

EXHIBIT 1

to Motion

UNITED STATES DISTRICT COURT

DISTRICT OF NEBRASKA

FRANCINE SIMMONS, Individually, and on
Behalf of All Others Similarly Situated,

Plaintiff,

v.

NELNET SERVICING, LLC,

Defendant.

Case No. 4:22-cv-03194

CHRISTOPER CORDARO, Individually,
and on Behalf of All Others Similarly
Situated,

Plaintiff,

v.

NELNET SERVICING, LLC,

Defendant.

Case No. 4:22-cv-03207

**DECLARATION OF MATTHEW B. GEORGE IN SUPPORT OF PLAINTIFFS’
MOTION FOR APPOINTMENT OF CO-LEAD INTERIM CLASS COUNSEL**

1. I am an attorney at the law firm of Kaplan Fox & Kilsheimer LLP (“Kaplan Fox”).

2. I respectfully submit this Declaration in support of Plaintiffs’ Motion for Appointment of Kaplan Fox and Mason LLP as Co-Lead Interim Class Counsel (“Motion”). If called as a witness, I could and would competently testify to all facts stated herein within my personal knowledge.

Kaplan Fox’s Experience Successfully Litigating Complex Class Actions

3. Kaplan Fox has been in existence for 60 years and currently has over two-dozen attorneys at offices in New York, Oakland, Los Angeles, Chicago, and New Jersey. Kaplan Fox has a long history of success in complex securities, antitrust, and consumer protection class actions, and its attorneys are well-versed in class certification and other procedural steps necessary to bring this case to a successful resolution. A true and correct copy of Kaplan Fox’s firm profile that contains biographical information on Kaplan Fox’s attorneys is attached as **Exhibit 1**.

4. Kaplan Fox has been appointed as lead or co-lead counsel in dozens of cases throughout the United States and has obtained over \$5 billion on behalf of its clients and plaintiff classes. Kaplan Fox was appointed by Judge Edward Davila in the Northern District of California as co-lead counsel to manage the MDL concerning claims Apple deceived consumers by throttling processor speeds of Apple devices like iPhones and iPads in *In re: Apple Inc. Device Performance Litigation*, Case No. 18-md-02827-EJD. In his order appointing Kaplan Fox, Judge Davila found “that these individuals and their firms have extensive knowledge of and experience in prosecuting complex litigation and class actions” and noted that plaintiffs’ leadership “demonstrated an ability to cooperate with a range of difference interests that span across law firms, practice groups, geography, and gender and introduce[d] smaller firms into the litigation experience.” *Id.*, ECF No. 99 (May 15, 2018). Some of the firm’s other notable successes include:

- *In re Bank of America Corp. Sec. Deriv., and ERISA Litig.*, No. 1:09-md-020508-PKC (S.D.N.Y.): As one of three co-lead counsel, Kaplan Fox recovered \$2.425 billion for investors just weeks before trial. The result is one of the largest recoveries in the history of securities class actions.
- *In re Air Cargo Shipping Servs., Antitrust Litig.*, No. 06-md-1775 (JG) (VVP) (E.D.N.Y.): As one of four co-lead counsel representing direct purchasers alleging violations of antitrust laws, Kaplan Fox recovered more than \$1.25 billion in settlements.
- *In re Merrill Lynch & Co., Inc., Sec. Litig.*, No. 07-CV-9633 (JSR)(DFE) (S.D.N.Y.): As co-lead counsel, Kaplan Fox recovered \$475 million on claims that Merrill Lynch committed fraud for failing to disclose to investors its toxic exposure to sub-prime mortgage backed securities.

5. In obtaining these results, Kaplan Fox has demonstrated a commitment to fight through lengthy, protracted litigation against well-represented and resourceful defendants, including some of the largest banks, technology, and pharmaceutical companies. In these and other cases Kaplan Fox has maneuvered through consolidation and coordination proceedings, overseen and executed e-discovery and deposition strategies, fought through contested class certification and summary judgment proceedings, and obtained successful rulings on appeal. And, Kaplan Fox has taken class action cases to trial.

6. Kaplan Fox and myself also have substantial experience managing and prosecuting cases involving information privacy and data security pertinent to this matter. We have successfully litigated some of the earliest large scale data breach cases against companies including Target and Home Depot. In *In re: Target Corp. Customer Data Security Breach Litig.*, MDL No.

14-2522 (PAM) (D. Minn.), I was co-chair of the third-party discovery committee that subpoenaed Target's cybersecurity vendors and I deposed key Target personnel. In *In Re: The Home Depot, Inc., Customer Data Security Breach Litig.*, No. 14-md-2583 (N.D. Ga.), Kaplan Fox was on the steering committee that secured a recovery of \$25 million on behalf of financial institutions impacted by the breach.

7. Currently, Kaplan Fox is in coordinated litigation against insurer Health Net, in which we filed for preliminary approval of a \$10 million cash settlement. *Harbour, et al., v. Health Net of California, Inc., et al.*, No. 5:21-cv-03322-ED (N.D. Cal.), ECF No. 48. Kaplan Fox is also liaison counsel in consolidated litigation arising from a pandemic-related Deloitte data breach that obtained final approval of a \$5 million settlement in *Culbertson, et al., v. Deloitte Consulting LLP*, No. 1:20-cv-03962-LJL (S.D.N.Y.), ECF No. 151, and is appointed to the steering committee in *In Re: American Medical Collection Agency, Inc., Customer Data Security Breach Litig.*, No. 19-md-2904 (D.N.J.). I was also appointed to serve on the steering committee in *In re: 21st Century Oncology Customer Data Security Breach Litig.*, No. 8:16-md-02737-MSS-AEP (M.D. Fla.), a multidistrict litigation over a nationwide cancer center's mishandling of medical data that resulted in a \$12.5 million settlement, and Kaplan Fox was co-lead counsel in *Winstead v. ComplyRight, Inc.*, No. 1:18-cv-4990 (N.D. Ill.), a data breach case that settled for \$3 million. Kaplan Fox also served as co-lead counsel in *In re Horizon Healthcare Servs. Inc. Data Breach Litig.*, No. 13-7418 (CCC) (D.N.J.), in which Kaplan Fox won a successful appeal to the Third Circuit, 846 F.3d 625 (3d Cir. 2017). Kaplan Fox was also recently appointed co-lead interim counsel in *In re Illuminate Education Data Security Incident Litigation*, No. 8:22-cv-01164-JVS-ADS (C.D. Cal.), a data breach case alleging the mishandling of student records, personal, and private information.

8. As part of our work in these cases, Kaplan Fox's attorneys have developed a broad knowledge of the data security laws implicated in this case and litigated cases from inception through settlement. Among other things, Kaplan Fox and its attorneys have directed the litigation, class certification, and settlement strategies, researched and briefed the application of consumer protection and information security laws, implemented discovery strategy of defendants and third-parties, taken depositions of corporate information technology personnel and engineers, responded to defendants' discovery, defended named plaintiffs' depositions, and worked closely with cybersecurity and privacy experts to understand the issues implicated in these cases and how to resolve them moving forward.

Kaplan Fox's Primary Litigation Team for This Case

9. Kaplan Fox has the personnel and financial resources required to litigate this case to a successful conclusion. As a proposed co-lead interim class counsel, our firm would be willing and able to provide the class and the Court with any resources necessary to prosecute the action swiftly and efficiently. The firm's primary litigation and trial team that would prosecute this case is composed of myself and partner Laurence King, supported by associates as necessary. Kaplan Fox also employs a full-time investigator who has worked on the *Home Depot Data Breach MDL*, and the firm has sufficient litigation support personnel with many years of experience working on Kaplan Fox's complex class action cases.

10. I, **Matthew George**, have extensive experience representing consumers, investors and employees in consumer protection class actions and multidistrict litigation for over 15 years. I am currently appointed as co-lead interim class counsel in *In re: Robinhood Outage Litig.*, No. 3:20-cv-01626-JD (N.D. Cal.), representing investors on claims that their brokerage failed to prevent damaging outages across its online securities trading platform. In its order of appointment,

the Court noted that the leadership “significantly broadened in multiple ways the diversity of the attorneys designated for the interim roles.” *Id.*, ECF No. 65 at 1:15-17. I also played a key role in *In re: Apple Inc. Device Performance Litig.*, and assisted obtaining class certification in *In re: Arizona Theranos Incorporated Litig.*, No. 2:16-cv-02138-HRH (D. Ariz. Mar. 5, 2020).

11. I am also a member of the LGBTQ+ community, and I have advanced initiatives for underrepresented communities both in and out of court. I represented classes comprised mostly of low-income, gay men living with HIV and AIDS in cases against CVS/Caremark and Aetna that recovered over \$20 million on claims the companies wrongfully exposed their HIV status. *Doe One v. CVS Health Corporation*, No. 2:18-cv-00238-EAS-CMV (S.D. Ohio); *Beckett v. Aetna, Inc.*, No. 2:17-cv-03864-JS (E.D. Pa.). In those cases, the class members received base payments of \$500 *without* having to file a claim (with many recovering significantly more). I have been a longstanding member of BALIF, the San Francisco Bay Area’s (and nation’s oldest) LGBTQ+ bar association, where I have volunteered in BALIF’s formal mentorship program and worked closely with law students and young attorneys to polish their resumes and advance their careers. I have also been a member of the Consumer Attorneys of California’s (“CAOC”) Diversity Committee, and I gave a presentation on the issue of implicit bias in the legal profession at CAOC’s annual convention in November 2021.

12. Given my experience, I am frequently requested to be a speaker on issues involving class actions, privacy law, and complex discovery issues. I also published an article for The Unfair Competition Section of the State Bar of California on the private enforcement of consumer privacy

rights.¹ I have been selected by my peers as a Northern California “SuperLawyer” each year that I have been eligible.

13. **Laurence King** is a partner at Kaplan Fox for over two decades and is currently appointed as co-lead counsel to manage *In re: Apple Inc. Device Performance Litigation*. In his order appointing Mr. King, the court noted that plaintiffs’ leadership “demonstrated an ability to cooperate with a range of different interests that span across law firms, practice groups, geography, and gender and introduce[d] smaller firms into the litigation experience.” *Id.*, ECF No. 99. As part of that litigation, Mr. King successfully obtained a settlement of \$310 million. *Id.*, ECF No. 415. Mr. King also has considerable experience in the area of data breach cases, including appointment to leadership positions in the *Illuminate* and *American Medical Collection Agency* matters described above.

14. Mr. King has also served as co-lead counsel in *Gallagher v. Bayer*, No. 14-cv-04061-WHO (N.D. Cal.), *Schueneman v. Arena Pharmaceuticals, Inc.*, No. 3:10-cv-01959-CAB-BLM (S.D. Cal.) (settled for \$24 million), *In re Violin Memory Sec. Litig.*, No. 13-CV-05486-YGR (N.D. Cal.) (settled for \$7.5 million), and *In re Rocket Fuel Sec. Litig.*, No. 4:14-CV-03998-PJH (N.D. Cal.) (settled for \$3.15 million). He has also served as co-lead counsel in successful consumer protection cases challenging deceptive sales and marketing practices across the country, including *Berry v. Mega Brands Inc.*, No. 08-CV-1750 (D.N.J.) (class-wide settlement obtained that provides full refunds for defective products), *Wolf v. Red Bull GMBH*, No. 1:13-cv-08008 (S.D.N.Y.) (\$13 million settlement obtained for purchasers of Red Bull energy drink pending

¹ HOW VIABLE IS THE PROSPECT OF PRIVATE ENFORCEMENT OF PRIVACY RIGHTS IN THE AGE OF BIG DATA? AN OVERVIEW OF TRENDS AND DEVELOPMENTS IN PRIVACY CLASS ACTIONS – Competition, The Journal of the Antitrust and Unfair Competition Law Section of the State Bar of California, Volume 24, No. 1 (Spring 2015)

appeal), and *In re Pre-Filled Propane Tank Mktg. & Sales Practices Litig.*, Case No. 4:09-cv-00465-GAF (W.D. Mo.) (\$35 million settlement for purchasers of under-filled propane tanks). He has also litigated on successful co-lead counsel teams in *In re 3Com Sec. Litig.*, No. C-97-21083-EAI (N.D. Cal.) (recovered \$259 million) and *In re Informix Sec. Litig.*, No. C-97-0129-CRB (N.D. Cal.) (recovered \$136.5 million). He was also a member of the Kaplan Fox trial team for two securities class actions tried to verdict.

15. Prior to joining Kaplan Fox, he served as an assistant district attorney under Robert Morgenthau in the Manhattan (New York County) District Attorney's Office, where he tried numerous felony prosecutions to jury verdict. He was selected by my peers as a Northern California *Super Lawyer* from 2012 through 2017, and from 2011-13, he served as a Vice-Chair, and then as Co-Chair, of the American Association for Justice's Class Action Litigation Group.

16. **Blair E. Reed** is a junior associate in Kaplan Fox's Oakland office and she has significant experience with consumer class actions, including those involving data privacy such as *Huynh v. Quora*, No. 5:18-cv-07597 (N.D. Cal. 2018), which included allegations that Quora was negligent when it disclosed users' personal information to unauthorized third parties.

Kaplan Fox Will Work Efficiently and Cooperatively With Counsel and the Court

17. Kaplan Fox's experience demonstrates that it is well-qualified to present case management suggestions to the Court, to work with plaintiffs' and defense counsel to develop and implement a litigation plan, to initiate and complete discovery, to conduct the principal examination of deponents, to employ experts, to arrange for litigation support services (including document review platforms), and to ensure that all deadlines are timely met. Kaplan Fox and Mason LLP will also manage the litigation effectively and efficiently, avoid duplication of labor,

assign tasks to attorneys and other firms commensurate with their experience and expertise, and employ a timekeeping and reporting protocol.

18. Kaplan Fox has a proven track record of working cooperatively and collegially with other counsel and courts, and it will do the same here. Several Kaplan Fox lawyers profiled in the firm's profile previously served as federal law clerks, state and federal prosecutors, and defense counsel, thus giving them an understanding of (and appreciation for) the work that defense counsel, the Court, and its staff will perform in this litigation.

I declare under penalty of perjury under the laws of the United States and the state of California that the foregoing is true and correct. Executed this 3rd day of January 2023, in San Diego, California.

/s/ Matthew B. George
Matthew B. George

EXHIBIT 1

to the Declaration of Matthew B. George



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History of Kaplan Fox & Kilsheimer LLP

Leo Kaplan and James Kilsheimer founded “Kaplan & Kilsheimer” in 1954, making the firm one of the most established litigation practices in the country. James Kilsheimer was a celebrated federal prosecutor in the late 1940s and early 1950s in New York who not only successfully tried some of the highest profile cases in the country, but also handled the U.S. Attorney’s Office’s criminal appeals to the Second Circuit.

Now known as “Kaplan Fox & Kilsheimer LLP,” the early commitment to high-stakes litigation continues to define the firm to the present day. In 2009, Portfolio Media’s *Law360* ranked Kaplan Fox’s securities litigation practice as one of the top 5 in the country (plaintiff side), and again in July 2014, the Legal 500 ranked Kaplan Fox as one of the top eight plaintiff’s firms for securities litigation. In March 2013, the *National Law Journal* included Kaplan Fox on its list of the top 10 “hot” litigation boutiques, a list that includes both plaintiff and defense firms. In 2014, 2015 and 2016, more than half of the firm’s partners – including attorneys on both coasts – were rated “Super Lawyers.”

The firm has three primary litigation practice areas (antitrust, securities, and consumer protection), and the firm is a leader in all three. To date, we have recovered more than **\$5 billion** for our clients and classes. In addition, the firm has expanded its consumer protection practice to include data privacy litigation, and few other firms can match Kaplan Fox’s recent leadership in this rapidly emerging field. The following describes Kaplan Fox’s major practice areas, its most significant recoveries and its attorneys.

Securities Litigation

Over the past 35 years, Kaplan Fox has been a leader in prosecuting corporate and securities fraud —ranging from cases concerning accounting fraud to those involving complicated and complex financial instruments. Since the passage of the Private Securities Litigation Reform Act in 1995, Kaplan Fox has emerged as one of the foremost securities litigation firms representing institutional investors of all sizes, including many of the world's largest public pension funds.

Kaplan Fox's selection by Portfolio Media's Law360 as one of the five top securities litigation firms (plaintiff side) for 2009 was based, in part, on the representation of public pension funds in high profile and complex securities class actions, including **In re Merrill Lynch & Co., Inc. Securities, Derivative & ERISA Litigation**; **In re Bank of America Corp. Securities, ERISA & Derivative Litigation**; **In re Fannie Mae Securities Litigation**; and **In re Ambac Financial Group, Inc. Securities Litigation**. Some of the firm's most significant securities recoveries include:

In re Bank of America Corp. Securities, Derivative, and ERISA Litigation, MDL No. 2058 (S.D.N.Y.) (\$2.425 billion recovered)

In re Merrill Lynch & Co., Inc. Securities Litigation, Master File No. 07-CV-9633 (JSR) (S.D.N.Y.) (\$475 million recovered)

In re 3Com Securities Litigation, No. C-97-21083-EAI (N.D. Cal.) (\$259 million recovered)

In re Fannie Mae 2008 Securities Litigation, No. 08-cv-7831 (PAC) (S.D.N.Y.) (\$170 million recovered)

In re MicroStrategy Securities Litigation, No. CV-00-473-A (E.D. Va.) (\$155 million recovered)

AOL Time Warner Cases I & II (Opt-out) Nos. 4322 & 4325 (Cal. Superior Court, LA County) (\$140 million recovered)

In re Informix Securities Litigation, C-97-129-CRB (N.D. Cal.)
(\$136.5 million recovered)

In re Xcel Energy, Inc. Securities Litigation, Master File No. 02-CV-2677-DSD (D. Minn.) (\$80 million recovered)

In re Elan Corporation Securities Litigation, No. 02-CV-0865-RMB (S.D.N.Y.) (\$75 million recovered)

In re Sequenom, Inc. Securities Litigation, No. 09-cv-921 (S.D. Cal.) (\$70 million recovered)

Barry Van Roden, et al. v. Genzyme Corp., et al., No. 03-CV-4014-LLS (S.D.N.Y.) (\$64 million recovered)

Antitrust Litigation

Kaplan Fox has been at the forefront of significant private antitrust actions, and we have been appointed by courts as lead counsel or members of an executive committee for plaintiffs in some of the largest antitrust cases throughout the United States. This commitment to leadership in the antitrust field goes back to at least 1967, when firm co-founder Leo Kaplan was appointed by the Southern District of New York to oversee the distribution of all ASCAP royalties under the 1950 antitrust consent decree in **United States v. American Society of Composers, Authors and Publishers**, No. 41-CV-1395 (S.D.N.Y.), a role he held for 28 years until his death in 1995. To this day, ASCAP awards the “Leo Kaplan Award” to an outstanding young composer in honor of Leo’s 28 years of service to ASCAP.

Members of the firm have also argued before the U.S. Courts of Appeals some of the most significant decisions in the antitrust field in recent years. For example, Robert Kaplan argued the appeal in **In re Flat Glass Antitrust Litigation**, 385 F.3d 350 (3d Cir. 2004), and Greg Arenson argued the appeal in **In re High Fructose Corn Syrup Antitrust Litigation**, 295 F.3d 651 (7th Cir. 2002). In a relatively recent survey of defense counsel, in-house attorneys, and individuals involved in the civil justice reform movement, both were named among the 75 best plaintiffs’ lawyers in the country based on their expertise and influence.

Over the years, Kaplan Fox has recovered over **\$2 billion** for our clients in antitrust cases. Some of the larger antitrust recoveries include:

In re Air Cargo Shipping Services Antitrust Litigation, MDL 1775 (E.D.N.Y.) (settled during trial preparation, for total settlement of more than \$1.25 billion)

In re Neurontin Antitrust Litigation, MDL No. 1479, Master File No. 02-1390 (D.N.J.) (\$190 million recovered)

In re High Fructose Corn Syrup Antitrust Litigation, MDL No. 1087, Master File No. 95-1477 (C.D. Ill.) (\$531 million recovered)

In re Brand Name Prescription Drugs Antitrust Litigation, MDL 997 (N.D. Ill.) (\$720 plus million recovered)

In re Infant Formula Antitrust Litigation, MDL 878 (N.D. Fla.) (\$126 million recovered)

In re Flat Glass Antitrust Litigation, MDL 1200 (W.D. Pa.) (\$122 plus million recovered)

In re Hydrogen Peroxide Antitrust Litigation, MDL 1682 (E.D. Pa.) (\$97 million recovered)

In re Plastics Additives Antitrust Litigation, 03-CV-1898 (E.D. Pa.) (\$46.8 million recovered)

In re Medical X-Ray Film Antitrust Litigation, CV 93-5904 (E.D.N.Y.) (\$39.6 million recovered)

In re NBR Antitrust Litigation, MDL 1684 (E.D. Pa.) (\$34.3 million recovered)

Consumer Protection and Data Privacy Litigation

The consumer protection practice is headquartered in Kaplan Fox's Bay Area office, which opened in 2000, and is led by Laurence King, an experienced trial lawyer and former prosecutor. Mr. King also recently served as a Vice-Chair, and then Co-Chair, of the American Association for Justice's Class Action Litigation Group.

Mr. King and our other effective and experienced consumer protection litigators regularly champion the interests of consumers under a variety of state and federal consumer protection laws. Most frequently, these cases are brought as class actions, though under certain circumstances an individual action may be appropriate.

Kaplan Fox's consumer protection attorneys have represented victims of a broad array of misconduct in the manufacturing, testing, marketing, and sale of a variety of products and services and have regularly been appointed as lead or co-lead counsel or as a member of a committee of plaintiffs' counsel in consumer protection actions by courts throughout the nation. Among our significant achievements are highly recognized cases including **In re Baycol Products Litigation**, MDL 1431-MJD/JGL (D. Minn.) (victims recovered more than \$350 million); **In re Providian Financial Corp. Credit Card Terms Litigation**, MDL No. 1301-WY (E.D. Pa.) (\$105 million recovered); **In re Thomas and Friends Wooden Railway Toys Litig.**, No. 07-cv-3514 (N.D. Ill.) (\$30 million settlement obtained for purchasers of recalled "Thomas Train" toys painted with lead paint); **In re Pre-Filled Propane Tank Marketing and Sales Practices Litigation**, No. 4:09-md-2086 (W.D. Mo.) (settlements obtained where consumers will receive substantially in excess of actual damages and significant injunctive relief); **Berry v. Mega Brands Inc.**, No. 08-CV-1750 (D.N.J.) (class-wide settlement obtained where consumers will receive full refunds

for defective products), and **David Wolf, et al. v. Red Bull GmbH, et al.**, No. 1:13-cv-08008 (S.D.N.Y.) (\$13 million settlement fund obtained for purchasers of Red Bull energy drink).

Recent notable cases include *In re: Apple Inc. Device Performance Litig.*, No. 5:18-MD-2827-EJD (N.D. Cal.) (a global consumer protection and computer intrusion class action in which a \$310 million class settlement was achieved) and *Schneider v. Chipotle Mexican Grill, Inc.*, No.16-cv-02200 (N.D. Cal.) (a Non-GMO class action with a settlement approval of \$6.5 million).

Data privacy is a fairly new area of law and broadly encompasses two scenarios. In a data breach case, a defendant has lawful custody of data, but fails to safeguard it or use it in an appropriate manner. In a tracking case, the defendant intercepts or otherwise gathers digital data to which it is not entitled in the first place.

Kaplan Fox is an emerging leader in both types of data privacy litigation. For example, Mr. King filed and successfully prosecuted one of very first online data breach cases, **Syran v. LexisNexis Group**, No. 05-cv-0909 (S.D. Cal.), and was court-appointed liaison counsel in a recently successfully concluded data breach case against LinkedIn. See **In re: LinkedIn User Privacy Litigation**, No. 12-cv-3088-EJD (N.D. Cal.). The firm also settled a data privacy case against Universal Property & Casualty Insurance Company related to the public exposure of sensitive customer data. See **Rodriguez v. Universal Property & Cas. Ins. Co.**, No. 16-cv-60442-JK (S.D. Fla.).

In the past five years alone, we have led or otherwise had court-appointed roles in at least 10 national digital privacy class actions, including high-profile cases against defendants Google, Yahoo, and LinkedIn; two insurance companies; and one data

analytics company. Current cases the firm is handling include **In re Horizon Healthcare Services, Inc. Data Breach Litigation**, No. 13-cv-07418-CCC-MF (D.N.J.) where Kaplan Fox represents a group of individuals in a class action asserting willful and negligent violations of the Fair Credit Reporting Act, as well as violations of state law, based on Horizon's failure to adequately protect the Plaintiffs' personal information. Kaplan Fox represents a group of seven credit unions and has been appointed by the court as a member of the Steering Committee for the Financial Institution plaintiffs in a data breach class action against The Home Depot, Inc. See **In re: The Home Depot, Inc., Customer Data Security Breach Litigation**, 1:14-md-02583-TWT (NDGA). N.D. Ga.). Kaplan Fox was also appointed co-lead class counsel for plaintiffs in ***Doe v. Caremark, LLC***, 2:18 - ***cv-00488 -EAS-CMV (S.D. Oh.)***, a class action concerning allegations of the violation of medical privacy of approximately 4,500 class members. The Court approved of a \$4.4 million settlement of the action on January 30, 2020.

The firm is also an industry leader in the even newer field of email and internet tracking litigation. Kaplan Fox was appointed Co-Lead Class Counsel in a digital privacy class action against Yahoo!, Inc., related to Yahoo's alleged practice of scanning emails for content, which was recently settled. See **In re: Yahoo Mail Litigation**, 5:13-cv-04980-LHK (N.D. Cal.). Other cases include **In re: Google Inc. Cookie Placement Consumer Privacy Litig.**, 12-MD-2358-SLR (D. Del.) (Kaplan Fox appointed to plaintiffs' steering committee).

ATTORNEY BIOGRAPHIES

PARTNERS

ROBERT N. KAPLAN is widely recognized as a leading plaintiff's litigator and has led the prosecution of numerous class actions and shareholder derivative actions, recovering billions of dollars for the victims of corporate wrongdoing. He was recently listed by defense and corporate counsel as one of the top 75 plaintiffs' attorneys in the United States for all disciplines, and has also been ranked as one of the top attorneys in the United States for securities litigation by Legal 500 in each of the last three years. Mr. Kaplan was recognized as a Super Lawyer in the New York Metro Area. He was lead counsel for CalPERS in *AOL Time Warner Cases I & II* (Ca. Sup. Ct., L.A. Cty.), and was a lead in *In re Merrill Lynch & Co., Inc. Securities, Derivative & ERISA Litigation*, *In re Escala Securities Litigation* and *In re Bank of America Corp. Securities Litigation*, in which a settlement in the amount of \$2.425 billion and corporate governance changes was approved by the Court.

In the antitrust arena, Mr. Kaplan earned a reputation as a leading litigator. He was a lead counsel in *In re Air Cargo Antitrust Litigation* (more than \$1.25 billion in settlements) and was recently appointed by Courts as lead counsel in the *DIPF Antitrust Litigation*, *In re Cast Iron Soil Pipe and Fittings Antitrust Litigation*, and *In re Keurig Green Mountain Single-Serve Coffee Antitrust Litigation*. Currently, Kaplan Fox is a lead counsel in the Caustic Soda Antitrust Litigation and Mr. Kaplan is on the Direct Purchaser Class Executive Committee in the Generics Drug Antitrust Litigation and is chair of the plaintiffs' Executive Committee in the Delta Dental Antitrust Litigation.

He also represents clients in private antitrust actions, including: *Affiliated Foods, Inc.*, *Associated Grocers of New England, Inc.*, *URM Stores, Inc.*, *Western Family Foods, Inc.*, and *Associated Food Stores, Inc.* in individual cases against *Tri-Union Seafoods, LLC*, d/b/a *Chicken of the Sea*, *King Oscar, Inc.*, *Bumble Bee Foods, LLC* f/k/a *Bumble Bee Seafoods, LLC*, and *StarKist Co.*, No. 15-cv-4312, No. 15-cv-3815, No. 15-cv-4187, No. 15-cv-4667 (N.D. Cal.).

He previously served, as lead counsel or member of the Executive Committee in numerous plaintiff treble damages actions including *In re Neurontin Antitrust Litigation*,

MDL No. 1479, Master File No. 02-1390 (D.N.J.) (\$190 million recovered); *In re High Fructose Corn Syrup Antitrust Litigation*, MDL No.1087, Master File No. 95-1477 (C.D. Ill) (\$531 million recovered); *In re Brand Name Prescription Drugs Antitrust Litigation*, MDL 997 (N.D. Ill.) (\$720 plus million recovered); *In re Infant Formula Antitrust Litigation*, MDL 878 (N.D. Fla.)(\$126 million recovered); *In re Flat Glass Antitrust Litigation*, MDL 1200 (W.D. Pa.) (\$122 plus million recovered) (Mr. Kaplan successfully argued an appeal before the U.S. Court of Appeals for the Third Circuit, which issued a ground-breaking and often-cited summary judgment opinion. *In re Flat Glass Antitrust Litigation*, 385 F.3d 350 (3d Cir. 2004); *In re Hydrogen Peroxide Antitrust Litigation*, MDL 1682 (E.D. Pa.)(\$97 million recovered); *In re Plastics Additives Antitrust Litigation*, 03-CV-1898 (E.D. Pa.) (\$46.8 million recovered); *In re Medical X-Ray Film Antitrust Litigation*, CV 93-5904 (E.D.N.Y.) (\$39.6 million recovered); and *In re NBR Antitrust Litigation*, MDL 1684 (E.D. Pa.) (\$34.3 million recovered).

Mr. Kaplan is currently representing financial institutions across the country in data breach cases against Home Depot and is a member of the Plaintiffs' Steering Committee. He is also representing a group of individuals in a class against Horizon Healthcare Services alleging willful and negligent violations of the Fair Credit Reporting Act, as well as violations of state law, based on Horizon's failure to adequately protect the Plaintiffs' personal information.

Mr. Kaplan honed his litigation skills as a trial attorney with the Antitrust Division of the U.S. Department of Justice. There, he gained significant experience litigating both civil and criminal actions. He also served as law clerk to the Hon. Sylvester J. Ryan, then chief judge of the U.S. District Court for the Southern District of New York and served as an acting judge of the City Court for the City of Rye, N.Y.

In addition to his litigation practice, he has also been active in bar and legal committees. For more than fifteen years, he has been a member of what is now known as the Eastern District of New York's Courts Committee on Civil Litigation.

Mr. Kaplan has also been actively involved in the Federal Bar Council, an organization of judges and attorneys in the Second circuit and is a member of the board of the Federal Bar Foundation.

Recently, Mr. Kaplan was invited by the United States Judicial Center and participated in a multi-day seminar for federal judges about complex litigation.

In addition, Mr. Kaplan has served as a member of the Trade Regulation and Federal Courts Committees of the Association of the Bar of the City of New York.

Mr. Kaplan's published articles include: "Complaint and Discovery in Securities Cases," Trial, April 1987; "Franchise Statutes and Rules," Westchester Bar Topics, Winter 1983; "Roots Under Attack: Alexander v. Haley and Courlander v. Haley," Communications and the Law, July 1979.

Mr. Kaplan sits on the boards of several organizations, including the Columbia Law School Board of Visitors, Board of Directors of the Carver Center in Port Chester, N.Y., Member of the Dana Farber Visiting Committee, Thoracic Oncology in Boston, MA, and Member of Board of Trustees for the Rye Historical Society.

Education:

- B.A., Williams College (1961)
- J.D., Columbia University Law School (1964)

Bar Affiliations and Court Admissions:

- Bar of the State of New York (1964)
- Bar of the District of Columbia (2013)
- U.S. Supreme Court
- U.S. Courts of Appeals for the Second, Third, Seventh, Ninth, Tenth and Eleventh Circuits
- U.S. District Courts for the Southern, Eastern, Western and Northern Districts of New York, the Central District of Illinois, and the District of Arizona

Professional Affiliations:

- Federal Bar Council
- Committee to Support the Antitrust Laws (past President)
- National Association of Securities and Commercial Law Attorneys (past President)
- Advisory Group of the U.S. District Court for the Eastern District of New York
- American Bar Association

- Association of Trial Lawyers of America (Chairman, Commercial Litigation Section, 1985-86)
- Association of the Bar of the City of New York (served on the Trade Regulation Committee; Committee on Federal Courts)
- Member of Board of Trustees for the Rye Historical Society

Mr. Kaplan can be reached by email at: RKaplan@kaplanfox.com

FREDERIC S. FOX first associated with Kaplan Fox in 1984 and became a partner in the firm in 1991. For over 30 years, he has concentrated his practice in class action, opt-out and other complex litigation, particularly securities, consumer and antitrust cases.

Mr. Fox has been a lead counsel in many major securities class action cases, including as a senior member of the litigation and trial team in *In re Bank of America Corp. Securities, ERISA, & Derivative Litigation*, No. 09-MDL-2058 (S.D.N.Y.) (“*In re Bank of America*”). In *In re Bank of America*, Mr. Fox served as lead counsel on behalf of major public pension funds. The case arose out of Bank of America’s acquisition of Merrill Lynch. *In re Bank of America* settled for \$2.425 billion plus significant corporate governance reforms and stands as one of the largest securities class action settlements in history.

Mr. Fox recently settled claims in an individual opt-out action on behalf of a public pension fund arising out of the fraud at Petrobras in Brazil. Other significant cases in which Mr. Fox served as lead counsel include: *In re Merrill Lynch & Co., Inc. Securities, Derivative, & ERISA Litigation*, No. 07-cv-9633 (S.D.N.Y.) (in which he was the primary attorney responsible for negotiating the \$475 million settlement); *In re Fannie Mae 2008 Securities Litigation*, No. 08-cv-7831 (S.D.N.Y.) (“*In re Fannie Mae 2008*”) (\$170 million settlement); *In re SunPower Securities Litigation*, Case No. 09-cv-5473 (N.D. Cal.); *In re Merrill Lynch Research Reports Securities Litigation* (S.D.N.Y.) (arising from analyst reports issued by Henry Blodget); *In re Salomon Analyst Williams Litigation* (S.D.N.Y.) and *In re Salomon Focal Litigation* (S.D.N.Y.) (both actions stemming from analyst reports issued by Jack Grubman). Among the numerous cases Mr. Fox has prosecuted, Mr. Fox was one of the lead trial lawyers in two securities class actions tried to verdict, one of which was the first case tried under the Private Securities Litigation Reform Act of 1995.

Mr. Fox has also handled derivative cases seeking corporate governance reform and other shareholder litigation on behalf of public pension funds asserting state law and foreign causes of action. Mr. Fox represents the New York City Pension Funds in derivative litigation relating to a bribery scandal involving Wal-Mart's Mexican subsidiary. See e.g. *New York City Emp. Ret. Sys. v. Wal-Mart Stores, Inc.*, No. 7612 (Del. Ch.), which is consolidated into the matter known as *In re Wal-Mart Stores, Inc., Del. Deriv. Litig.*, C.A. No. 7455-CS (Del. Ch.). Mr. Fox is a frequent speaker and panelist in both the U.S and abroad on a variety of topics including securities litigation and corporate governance. Mr. Fox also counsels the firm's many public pension fund clients on seeking redress in foreign jurisdictions or bringing an individual action in the U.S. to adequately protect and recover lost assets in cases involving foreign securities.

In the consumer protection area, Mr. Fox is co-lead counsel in *In re: Apple Inc. Device Performance Litig.*, No. 5:18-MD-2827-EJD (N.D. Cal.) (a global consumer protection and computer intrusion class action in which a \$310 million class settlement was achieved in March 2021). Within the area of consumer protection, Mr. Fox is also active in the firm's growing data privacy and cyberlaw practice. Other notable consumer cases Mr. Fox has prosecuted include the non-GMO class action of *Schneider v. Chipotle Mexican Grill, Inc.*, No.16-cv-02200 (N.D. Cal.) and *In re: Yahoo! Mail Litigation*, No. 5:13-cv-04980-LHK (N.D. Cal.) in which Kaplan Fox served as co-lead counsel for plaintiffs in a digital privacy class action challenging Yahoo's practice of "scanning" incoming and outgoing emails for content, in order to target advertising more effectively. He also served on the Plaintiffs' Steering Committee in the *Baycol Products Litigation* where there were more than \$350 million in settlements.

Mr. Fox is listed in the current editions of New York Super Lawyers and was recognized in Benchmark Litigation as a New York "Litigation Star."

Mr. Fox is the author of "Current Issues and Strategies in Discovery in Securities Litigation," ATLA, 1989 Reference Material; "Securities Litigation: Updates and Strategies," ATLA, 1990 Reference Material; and "Contributory Trademark Infringement: The Legal Standard after *Inwood Laboratories, Inc. v. Ives Laboratories*," University of Bridgeport Law Review, Vol. 4, No. 2.

During law school, Mr. Fox was the notes and comments editor of the University of Bridgeport Law Review.

Education:

- B.A., Queens College (1981)
- J.D., Bridgeport School of Law (1984)

Bar Affiliations and Court Admissions:

- Bar of the State of New York (1985)
- Bar of the District of Columbia (2013)
- U.S. Supreme Court
- U.S. Courts of Appeals for the First, Second, Fourth, Sixth and Eleventh Circuits
- U.S. District Courts for the Southern and Eastern Districts of New York, the District of Colorado and the District of Columbia

Professional Affiliations:

- Federal Bar Council
- American Bar Association
- Association of the Bar of the City of New York
- The Council of Institutional Investors - Markets Advisory Council Member (2022)
- Association of Trial Lawyers of America (Chairman, Commercial Law Section, 1991-92)

Mr. Fox can be reached by email at: FFox@kaplanfox.com

GREGORY K. ARENSON is principally a plaintiffs' antitrust lawyer with among other things, expertise in economics. He has worked with economic experts in, among others, *In re Air Cargo Shipping Servs. Antitrust Litig.*, Master File No. 06-MD-1175 (JG)(VVP), 2014 WL 7882100 (E.D.N.Y. Oct. 15, 2014), *adopted in its entirety*, 2015 WL 5093503 (E.D.N.Y. July 10, 2015); *In re Ethylene Propylene Diene Monomer (EPDM) Antitrust Litig.*, 256 F.R.D. 82 (D. Conn. 2009); *In re Foundry Resins Antitrust Litig.*, 242 F.R.D. 393 (S.D. Ohio 2007); *In re Carbon Black Antitrust Litig.*, No. Civ. A. 03-10191-DPW, MDL No. 1543, 2005 WL 102966 (D. Mass. Jan. 18, 2005); *In re*

Microcrystalline Cellulose Antitrust Litig., 218 F.R.D. 79 (E.D. Pa. 2003); *Bearings Cases*, Case No. 12-00501, and *Wire Harness Cases*, Case No. 12-00101, part of *In re Automotive Parts Antitrust Litig.*, E.D. Mich., Master File No. 12-md-02311; *Affiliated Foods, Inc., et al. v. Tri-Union Seafoods, LLC d/b/a Chicken of the Sea Int'l, et al.*, part of *In re Packaged Seafood Prods. Antitrust Litig.*, S.D. Cal., Case No. 15-MD-2670 JLS (MDD); *In re Domestic Airline Travel Antitrust Litig.*, D.D.C., MDL Docket No. 2656, Misc. No. 15-1404 (CKK); *In re Dental Supplies Antitrust Litig.*, E.D.N.Y., Case No. 16-cv-696 (BMC)(GRB); *In re Ductile Iron Pipe Fittings ("DIPF") Direct Purchaser Antitrust Litig.*, D.N.J., Civ. No. 12-711 (AET)(LHG); *In re Cast Iron Soil Pipe & Fittings Antitrust Litig.*, E.D. Tenn., No. 1:14-md-2508; and *In re Pool Prods. Distribution Mkt. Antitrust Litig.*, E.D. La., MDL No. 2328. He also argued the appeals in *In re High Fructose Corn Syrup Antitrust Litig.*, 295 F.3d 651 (7th Cir. 2002), and *In re Hydrogen Peroxide Antitrust Litig.*, 552 F.3d 305 (3d Cir. 2009). He has been ranked as a Super Lawyer for several years. Among other matters, he argued the appeals in *In re High Fructose Corn Syrup Antitrust Litig.*, 295 F.3d 651 (7th Cir. 2002), and *In re Hydrogen Peroxide Antitrust Litig.*, 552 F.3d 305 (3d Cir. 2009). He has been ranked as a Super Lawyer for several years.

Mr. Arenson has been a partner in Kaplan Fox & Kilsheimer LLP since 1993. Prior to joining Kaplan Fox, he was a partner with Proskauer Rose LLP. Earlier in his career, he was a partner with Schwartz Klink & Schreiber and an associate with Rudnick & Wolfe (now DLA Piper).

Mr. Arenson is active in the New York State Bar Association. He has been a member of the House of Delegates for most of the last decade and has been a member of the Executive Committee of the New York State Bar Association since June 2022. He has been Vice Chair and a member of the Executive Committee of the Sections Caucus and a member of the New York State Bar Association Continuing Legal Education Committee. He was Chair of the Commercial and Federal Litigation Section from June 2013 through May 2014. He has been Co-Chair of the New York State Bar Association Task Force on the State of Our Courthouses, whose report was adopted by the House of Delegates on June 20, 2009; a member of the New York State Bar Association Special Committee on Standards for Pleadings in Federal Litigation, whose

report was adopted by the House of Delegates on June 19, 2010; and a member of the New York State Bar Association Special Committee on Discovery and Case Management in Federal Litigation, whose report was adopted by the House of Delegates on June 23, 2012.

Mr. Arenson has written frequently on discovery issues and other issues. His published articles include: "Losing the Forest for the Trees: On the Loss of Economic Efficiency and Equity in Federal Price-Fixing Class Actions, 16 *Va L. & Bus. Rev.* 293 (Spring 2022); "Rule 68 Offers of Judgment and Mootness, Especially for Collective or Class Actions," 20 *NY LITIGATOR* 25 (2015); "Report on Proposed Amendments to Federal Rule of Civil Procedure 45," 17 *NY LITIGATOR* 21 (2012); "Rule 8 (a)(2) After *Twombly*: Has There Been a Plausible Change?" 14 *NY LITIGATOR* 23 (2009); "Report on Proposed Federal Rule of Evidence 502," 12 *NY LITIGATOR* 49 (2007); "Report: Treating the Federal Government Like Any Other Person: Toward a Consistent Application of Rule 45," 12 *NY LITIGATOR* 35 (2007); "Report of the Commercial and Federal Litigation Section on the Lawsuit Abuse Reduction Act of 2005," 11 *NY LITIGATOR* 26 (2006); "Report Seeking To Require Party Witnesses Located Out-Of-State Outside 100 Miles To Appear At Trial Is Not A Compelling Request," 11 *NY LITIGATOR* 41 (2006); "Eliminating a Trap for the Unwary: A Proposed Revision of Federal Rule of Civil Procedure 50," 9 *NY LITIGATOR* 67 (2004); "Committee Report on Rule 30(b)(6)," 9 *NY LITIGATOR* 72 (2004); "Who Should Bear the Burden of Producing Electronic Information?" 7 *FEDERAL DISCOVERY NEWS*, No. 5, at 3 (April 2001); "Work Product vs. Expert Disclosure – No One Wins," 6 *FEDERAL DISCOVERY NEWS*, No. 9, at 3 (August 2000); "Practice Tip: Reviewing Deposition Transcripts," 6 *FEDERAL DISCOVERY NEWS*, No. 5, at 13 (April 2000); "The Civil Procedure Rules: No More Fishing Expeditions," 5 *FEDERAL DISCOVERY NEWS*, No. 9, at 3 (August 1999); "The Good, the Bad and the Unnecessary: Comments on the Proposed Changes to the Federal Civil Discovery Rules," 4 *NY LITIGATOR* 30 (1998); and "The Search for Reliable Expertise: Comments on Proposed Amendments to the Federal Rules of Evidence," 4 *NY LITIGATOR* 24 (1998). He was co-editor of *FEDERAL RULES OF CIVIL PROCEDURE, 1993 AMENDMENTS, A PRACTICAL GUIDE*, published by the New York State Bar Association; and a co-author of "Report on the Application of Statutes of Limitation in

Federal Litigation,” 53 ALBANY LAW REVIEW 3 (1988).

Mr. Arenson serves as a mediator in the U.S. District Court for the Southern District of New York. In addition, he is an active alumnus of the Massachusetts Institute of Technology, having served as a member of the Corporation, a member of the Corporation Development Committee, vice president of the Association of Alumni/ae, and member of the Annual Fund Board (of which he was a past chair), secretary of his class, and 50th reunion gift committee co-chair.

Education:

- S.B., Massachusetts Institute of Technology (1971)
- J.D., University of Chicago (1975)

Bar Affiliations and Court Admissions:

- Bar of the State of Illinois (1975)
- Bar of the State of New York (1978)
- U.S. Supreme Court
- U.S. Courts of Appeals for the Second, Third and Seventh Circuits
- U.S. District Courts for the Northern and Central Districts of Illinois, Southern and Eastern Districts of New York, and Eastern District of Michigan
- U.S. Tax Court

Mr. Arenson can be reached by email at: GArenson@kaplanfox.com

LAURENCE KING first joined Kaplan Fox as an associate in 1994 and became a partner of the firm in 1998. While Mr. King initially joined the firm in New York, in 2000 he relocated to San Francisco to open the firm's first West Coast office. He is now partner-in-charge of the firm's San Francisco and Los Angeles offices.

Mr. King practices primarily in the areas of securities litigation, with an emphasis on institutional investor representation and consumer protection litigation. He has also practiced in the area of employment litigation. Mr. King has played a substantial role in cases that have resulted in some of the largest recoveries ever obtained by Kaplan Fox, including: *In re Bank of America Corp. Securities, ERISA & Derivative Litig.* (S.D.N.Y.); *In re 3Com Securities Litigation* (N.D. Cal.), *In re Informix Securities Litigation* (N.D. Cal.), *AOL Time Warner Cases I & II* (Ca. Sup. Ct., L.A. Cty.) and *Providian Credit Card Cases*

(Ca. Sup. Ct., S.F. Cty.).

An experienced trial lawyer, prior to joining Kaplan Fox Mr. King served as an assistant district attorney under the legendary Robert Morgenthau in the Manhattan (New York County) District Attorney's Office, where he tried numerous felony prosecutions to jury verdict. At Kaplan Fox, he was a member of the trial team for two securities class actions tried to verdict, *In re Biogen Securities Litigation* (D. Mass.) and *In re Health Management Securities Litigation* (E.D.N.Y.). Mr. King has also participated in trial preparation for numerous other cases in which favorable settlements were achieved for our clients on or near the eve of trial.

Mr. King has been selected for inclusion in the Northern California *SuperLawyers* each year since 2012, and has previously served as Vice-Chair, and then as Co-Chair, of the American Association for Justice's Class Action Litigation Group of the American Association for Justice. He was also selected for inclusion to the San Francisco Super Lawyers list (Securities Litigation) for 2012, 2013, 2014 and 2015.

Education:

- B.S., Wharton School of the University of Pennsylvania (1985)
- J.D., Fordham University School of Law (1988)

Bar Affiliations and Court Admissions:

- Bar of the State of New York (1989)
- Bar of the State of California (2000)
- U.S. Court of Appeals for the Second and Ninth Circuits
- U.S. District Courts for the District of New Jersey, the Eastern District of Pennsylvania, the Southern and Eastern Districts of New York, and the Northern, Central and Southern Districts of California

Professional Affiliations:

- Bar Association of San Francisco
- American Bar Association
- American Association for Justice
- San Francisco Trial Lawyers' Association
- American Business Trial Lawyers

Mr. King can be reached by email at: LKing@kaplanfox.com

JOEL B. STRAUSS first associated with Kaplan Fox in 1992 and became a partner in the firm in 1999. He practices in the area of securities and consumer fraud class action litigation. He has been repeatedly selected for inclusion to the New York Super Lawyers list (Securities Litigation) (2007-2010, 2014-2022) and was named to Lawdragon's 500 Leading Plaintiff Financial Lawyers in the U.S. (2019 - 2022).

Prior to law school, Mr. Strauss was a senior auditor at the accounting firm Coopers & Lybrand (n/k/a PricewaterhouseCoopers). Combining his accounting background and legal skills, he has played a critical role in successfully prosecuting numerous securities class actions across the country on behalf of shareholders. Mr. Strauss was one of the lead trial lawyers for the plaintiffs in the first case to go to trial and verdict under the Private Securities Litigation Reform Act of 1995.

More recently, Mr. Strauss has been involved in representing the firm's institutional clients in the following securities class actions, among others: *In re Bank of America Corp. Securities, ERISA & Derivative Litig.* (S.D.N.Y.) (\$2.425 billion settlement); *In re Merrill Lynch & Co., Inc. Securities, Derivative and ERISA Litig.* (S.D.N.Y.) (\$475 million settlement); *In re Prestige Brands Holdings Inc. Securities Litig.* (S.D.N.Y.) (\$11 million settlement); *In re Gentiva Securities Litig.* (E.D.N.Y.) (\$6.5 million settlement); and *In Re SunPower Securities Litig.* (N.D.Cal) (\$19.7 million settlement). He has also served as lead counsel for lead plaintiffs in *In re OCA, Inc. Securities Litig.* (E.D. La.) (\$6.5 million settlement); *In re Proquest Company Securities Litig.* (E.D. Mich.) (\$20 million settlement) and *In re Rocket Fuel, Inc. Securities Litig.* (N.D.Cal.) (\$3.15 million settlement). Mr. Strauss also played an active role for plaintiff investors in *In Re Countrywide Financial Corporation Securities Litig.* (C.D.Cal), which settled for more than \$600 million..

In the consumer protection area, Mr. Strauss served as Chair of Plaintiffs' Non-Party Discovery Committee in the *Baycol Products Litig.*, where there were more than \$350 million in settlements.

Mr. Strauss is also active in the firm's growing data privacy practice. In July 2017 he moderated a panel on U.S. Data Privacy Laws at a conference in Tel Aviv. And, among other data privacy cases in which he has played an active role, Mr. Strauss served as

one of plaintiffs' co-lead counsel in *Doe vs. CVS Healthcare Corp., et. al.*, (S.D. Ohio), a class action concerning allegations of the violation of medical privacy of approximately 4,500 class members. The Court approved of a \$4.4 million settlement of the action on January 30, 2020.

Although currently practicing exclusively in the area of law, Mr. Strauss is a licensed Certified Public Accountant in the State of New York.

Mr. Strauss has also been a guest lecturer on the topics of securities litigation, auditors' liability and class actions for seminars sponsored by the Practicing Law Institute, the National Consumer Law Center and the Association of the Bar of the City of New York and is an adjunct instructor in the Political Science department at Yeshiva University.

Since June 2014, Mr. Strauss has served as a member of the New York State Bar Association's Committee on Legal Education and Admission to the Bar.

Among his various communal activities, Mr. Strauss currently serves as Co-President of Friends of Jerusalem College of Technology (Machon Lev), is a member of Yeshiva University's General Counsel's Council, a member of the Alumni Advisory Group at the Benjamin N. Cardozo School of Law, serves as Chair of the Career Guidance and Placement Committee of Yeshiva University's Undergraduate Alumni Council, is on the Board of Directors of Yavneh Academy in Paramus, NJ (and is a former Vice -President and Finance Committee Chair of the school) and is an Advisory Board Member and Mentor in the Orthodox Union's Impact Accelerator program.

In March 2001 the New Jersey State Assembly issued a resolution recognizing and commending Mr. Strauss for his extensive community service and leadership. In 2012 Mr. Strauss received The Alumni Partner of the Year Award from Yeshiva University's Career Development Office.

Education:

- B.A., Yeshiva University (1986)
- J.D., Benjamin N. Cardozo School of Law (1992)
- HBX|Harvard Business School, Certificate in Entrepreneurship Essentials (2017)
- AICPA - Cybersecurity Fundamentals for Finance and Accounting Professionals Certificate (2018)

Bar Affiliations and Court Admissions:

- Bar of the State of New Jersey (1992)
- Bar of the State of New York (1993)
- U.S. Court of Appeals for the First, Second and Third Circuits
- U.S. District Courts for the Southern, Eastern and Western Districts of New York and the District of New Jersey

Professional Affiliations:

- Association of the Bar of the City of New York
- New York State Bar Association
- American Institute of Certified Public Accountants

Mr. Strauss can be reached by email at: JStrauss@kaplanfox.com

HAE SUNG NAM joined Kaplan Fox in 1999 and became a partner of the firm in 2005. Since joining the firm, Ms. Nam has been representing consumers, employees, and investors in complex class actions and multi-district litigation in districts throughout the country for over 20 years. More recently, Ms. Nam was appointed as co-lead counsel for lead plaintiff's in *In re Google Play Consumer Antitrust Litigation*.

Ms. Nam has played integral roles in a number of the firm's notable cases, including *In re Bank of America Corp., Securities, Derivative, and ERISA Litigation*, No. 1:09-md-020508-PKC (S.D.N.Y.), *In re Fannie Mae Securities Litigation*, No. 08-cv-7831-PAC (S.D.N.Y.), and *In re Ambac Financial Group, Inc. Securities Litigation*, No. 08-411-NRB (S.D.N.Y.).

Ms. Nam also has substantial experience prosecuting antitrust matters on behalf of various classes and opt-outs, including *In re Keurig Green Mountain Single-Serve Coffee Antitrust Litigation*, 1:14-md-02542 (S.D.N.Y.), *In re Payment Card Interchange Fee and Merchant Discount, Antitrust Litigation*, 1:05-md-01720 (E.D.N.Y.), and *In re Flat Glass Antitrust Litigation*, No. 03-cv-2920 (W.D. Pa.). Recently, Ms. Nam was appointed interim co-lead counsel by U.S. District Court Judge James Donato in the important Google Play Store antitrust litigation concerning Google's alleged anticompetitive use of contractual and technological barriers to foreclose Android users' ability to utilize app

distribution platforms other than Google Play Store. See *In re Google Play Consumer Antitrust Litigation*, 20-cv-05761 (N.D. Cal).

Ms. Nam also has a focus on prosecuting opt-out securities actions on behalf of the firm's public pension fund clients. Ms. Nam was one of the core team members that recently prosecuted and settled an opt-out action on behalf of Ohio PERS arising out of the fraud at Petrobras in Brazil. She also played a significant role in *AOL Time Warner Cases I & II* and *State Treasurer of the State of Michigan v. Tyco International, Ltd.*, No. 08-cv-1340 (D.N.H.).

Prior to joining the firm, Ms. Nam was an associate with Kronish Lieb Weiner & Hellman LLP, where she trained as a transactional attorney in general corporate securities law and mergers and acquisitions.

Ms. Nam graduated magna cum laude, with a dual degree in political science and public relations from Syracuse University's Maxwell School and S.I. Newhouse School of Public Communications. Ms. Nam obtained her law degree, with honors, from George Washington University Law School. During law school, Ms. Nam was a member of the George Washington University Law Review. She is the author of a case note, "Radio—Inconsistent Application Rule," 64 Geo. Wash. L. Rev. (1996). In addition, she also served as an intern for the U.S. Department of Justice, Antitrust Division.

Education:

- B.A., magna cum laude, Syracuse University (1994)
- J.D., with honors, George Washington University Law School (1997)

Bar Affiliations and Court Admissions:

- Bar of the State of New York (1998)
- U.S. District Courts for the Southern and Eastern Districts of New York.

Ms. Nam can be reached by email at: HNam@kaplanfox.com

DONALD R. has been associated with Kaplan Fox since 1998 and became a partner of the firm in 2005. He practices in the areas of securities, antitrust and consumer protection litigation. Mr. Hall is actively involved in maintaining and establishing the firm's relationship with institutional investors and oversees the Portfolio Monitoring and Case Evaluation Program for the firm's numerous institutional investors.

Mr. Hall was a member of the trial team prosecuting *In re Bank of America*, which settled for \$2.425 billion, the single largest securities class action recovery for violations of Section 14(a) of the Securities Exchange Act of 1934 (“Exchange Act”) and one of the top securities litigation settlements obtained in history. Mr. Hall also recently represented public pension fund clients in *In re Eletrobras Secs. Litig.*, No. 15-cv-5754, as co-lead counsel representing the Employee Retirement System of the City of Providence (“City of Providence”) in a class action against a Brazilian company, and in *Kasper v. AAC Holdings, Inc.*, No. 15-cv-923 (M.D. Tenn.), as co-lead counsel representing Arkansas Teacher Retirement System (“ATRS”). Mr. Hall successfully represented institutional clients in *In re Merrill Lynch*, which settled for \$475 million; *In re Fannie Mae 2008*, which settled for \$170 million; *In re Ambac Financial Group, Inc. Securities Litigation*, No. 08-cv-411 (S.D.N.Y.); *In re Majesco Securities Litigation*, No. 05-cv-3557 (D.N.J.); and *In re Escala Group, Inc. Securities Litigation*, No. 05-cv-3518 (S.D.N.Y.). Additionally, he was a member of the litigation team in *AOL Time Warner Cases I & II*, an opt-out action brought by institutional investors that settled just weeks before trial.

Mr. Hall currently represents the Colleges of Applied Arts and Technology Pension Plan in *In re Vale, S.A. Securities Litigation*, 19-cv-00526 (E.D.N.Y.); the City of Warwick Retirement Fund in *Lewis v. YRC Worldwide, Inc., et al.*, 19cv00001 (N.D.N.Y.); and IWA Forest Industry Pension Plan in *In re Textron, Inc. Securities Litigation*, 19-cv-7881 (S.D.N.Y.).

Mr. Hall has played a key role in some of the Firm’s antitrust actions, including *In re Flat Glass Antitrust Litigation*; *In re Compact Disc Antitrust Litigation*; and *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation*. He is currently part of the litigation team representing consumers in *In re Google Play Consumer Antitrust Litigation*, 20-cv-05761 (N.D. Cal.) concerning Google’s alleged anticompetitive use of contractual and technological barriers to foreclose Android users’ ability to utilize app distribution platforms other than Google Play Store.

In the consumer protection area, Mr. Hall is co-lead counsel in *In re: Apple Inc. Device Performance Litig.*, No. 5:18-MD-2827-EJD (N.D. Cal.) (a global consumer protection and computer intrusion class action in which a \$310 million class settlement was achieved in March 2021). Mr. Hall is also active in the firm’s growing data privacy

and cyberlaw practice. Other notable cases in the area of consumer protection Mr. Hall has prosecuted include the non-GMO class action of *Schneider v. Chipotle Mexican Grill, Inc.*, No.16-cv-02200 (N.D. Cal.) and *In re: Yahoo! Mail Litigation*, No. 5:13-cv-04980-LHK (N.D. Cal.) in which Kaplan Fox served as co-lead counsel for plaintiffs in a digital privacy class action challenging Yahoo's practice of "scanning" incoming and outgoing emails for content, in order to target advertising more effectively.

Mr. Hall graduated from the College of William and Mary in 1995 with a B.A. in Philosophy and obtained his law degree from Fordham University School of Law in 1998. During law school, Mr. Hall was a member of the Fordham Urban Law Journal and a member of the Fordham Moot Court Board. He also participated in the Criminal Defense Clinic, representing criminal defendants in federal and New York State courts on a pro-bono basis.

Education:

- B.A., College of William and Mary (1995)
- J.D., Fordham University School of Law (1998)

Bar Affiliations and Court Admissions:

- Bar of the State of Connecticut
- Bar of the State of New York
- U.S. Supreme Court
- U.S. Courts of Appeals for the First, Second and Eleventh Circuits
- U.S. District Courts for the Southern and Eastern Districts of New York

Professional Affiliations:

- American Bar Association
- Association of Trial Lawyers of America
- New York State Bar Association

Mr. Hall can be reached by email at: DHall@kaplanfox.com

JEFFREY P. CAMPISI is involved in representing the firm's institutional and individual clients in securities and shareholder actions, and other complex litigation.

Mr. Campisi currently represents the Colleges of Applied Arts and Technology Pension Plan in *In re Vale, S.A. Securities Litigation*, 19-cv-00526 (E.D.N.Y.); the City of

Warwick Retirement Fund in *Lewis v. YRC Worldwide, Inc., et al.*, 19cv00001 (N.D.N.Y.); IWA Forest Industry Pension Plan in *In re Textron, Inc. Securities Litigation*, 19-cv-7881 (S.D.N.Y.); and individuals clients represents individual investors in *Julia Junge and Richard Junge v. Geron Corp. et al.*, 20-cv-547 WHA (N.D. Cal.); *Gluck v. Hecla Mining Company*, 19-cv-4883 (ALC) (S.D.N.Y.); and *Rotunno v. David M. Wood, et al.*, 1:20-cv-2357 (ER) (S.D.N.Y.).

In the past, Mr. Campisi represented Oklahoma Police Pension and Retirement Fund (as liaison counsel) in *Milbeck v. Truecar, Inc. et al.*, 18-cv-2612 (C.D. Cal.) (\$28.25 million recovered); the Tennessee Consolidated Retirement System in *In re Fannie Mae 2008 Securities Litigation*, 08cv7831 (S.D.N.Y.) (\$170 million recovered); State Teachers' Retirement System of Ohio in *In re Merrill Lynch & Co., Inc. Securities, Derivative and ERISA Litigation*, 07cv9633 (S.D.N.Y.) (\$475 million recovered), one of the largest recoveries in a securities class action; the Virginia Retirement System in *In re Escala Group, Inc. Securities Litigation*, 06cv3518 (S.D.N.Y.) (\$18 million in cash and stock recovered); the Los Angeles City Employees' Retirement System in *In re Sequenom, Inc. Securities Litigation*, 09cv921 (S.D. Cal.) (\$70 million in cash and stock recovered by the time of distribution), and significant corporate governance reforms) and in *In re Gentiva Securities Litigation*, 10cv5064 (E.D.N.Y.) (\$6.5 million recovered).

Other cases include *Schueneman v. Arena Pharms., et al.*, 10cv1959 (S.D. Cal.) (\$24 million recovered); *Kasper v. AAC Holdings, Inc., et al.*, 15cv923 (M.D. Tenn.) (\$25 million recovered); *In re SandRidge Energy, Inc. Shareholder Derivative Litigation*, No. CIV-13-102-W (W.D. Okla.) (\$38.5 million recovered); *In re Violin Memory, Inc. Securities Litigation*, 13cv5486 (N.D. Cal.) (\$7.5 million recovered); *In re Nevsun Resources Ltd.*, 12cv1845 (S.D.N.Y.) (approximately \$6 million settlement); *In re Countrywide Financial Corporation Securities Litigation*, 07cv5295 (C.D. Cal.) (\$624 million recovered), *In re Proquest Company Securities Litigation*, 06cv10619 (E.D. Mich.) (\$20 million recovered), and *Friedman v. Penson Worldwide, Inc.*, 11cv2098 (N.D. Tex.) (\$6.5 million recovered).

Mr. Campisi is a graduate of Villanova University School of Law (*summa cum laude*), where he was a member of the Villanova Law Review and the *Order of the Coif*. Mr. Campisi earned a B.A. from Georgetown University (*cum laude*). Mr. Campisi served

as a law clerk to the Late Honorable Herbert J. Hutton, United States District Judge for the United States District Court for the Eastern District of Pennsylvania.

Education:

- B.A., cum laude, Georgetown University (1996)
- J.D., summa cum laude, Villanova University School of Law (2000)
Member of Law Review and Order of the Coif

Bar affiliations and court admissions:

- Bar of the State of New York
- U.S. Courts of Appeals for the Ninth and Tenth Circuits
- U.S. District Courts for the Southern, Eastern, Northern and Western Districts of New York, and Western District of Tennessee

Professional affiliations:

- Federal Bar Council
- American Association for Justice

Mr. Campisi can be reached by email at: icampisi@kaplanfox.com

MELINDA CAMPBELL has been associated with Kaplan Fox since September 2004 and became a partner of the firm in 2012. She represents investors and institutions in securities fraud class action litigation.

Mrs. Campbell's noteworthy cases include: *In re Bank of America Corp. Securities Litigation*, MDL No. 2058 (S.D.N.Y.); *In re Ambac Financial Group, Inc. Securities Litigation*, No. 08-cv-411(NRB) (S.D.N.Y.); *In re Fannie Mae 2008 Securities Litigation*, No. 08-cv-7831(PAC) (S.D.N.Y.), *In re Eletrobras Securities Litigation*, No. 15-cv-5754 (S.D.N.Y.) (\$14.75 million settlement), and *Ollila v. Babcock & Wilcox Enterprises Inc.*, No. 3:17-cv-109 (W.D.N.C.) (\$19.5 million settlement). Mrs. Campbell currently represents the Colleges of Applied Arts and Technology Pension Plan in *In re Vale S.A. Securities Litigation*, No. 19-cv-526 (E.D.N.Y.).

Mrs. Campbell obtained her J.D. from the University of Pennsylvania Law School. While attending law school, she successfully represented clients of the Civil Practice Clinic of the University of Pennsylvania Law School and provided pro bono legal services through organizations including the Southern Poverty Law Center.

Mrs. Campbell obtained her undergraduate degree from the University of Missouri (*cum laude*).

Mrs. Campbell is a member of the Federal Courts Committee of the New York County Lawyers Association and served as a panelist in a continuing legal education course offered by the Committee concerning waiver of attorney-client privilege under Federal Rule of Evidence 501. Additionally, Mrs. Campbell is a member of the New York State Bar Association, the National Association of Women Lawyers, and the New York Women's Bar Association.

Education:

- B.A., University of Missouri (2000)
- J.D., University of Pennsylvania Law School (2004)

Bar affiliations and court admissions:

- Bar of the State of New York (2005)
- U.S. Courts of Appeals for the First, Second and Eleventh Circuits
- U.S. District Courts for the Southern and Eastern Districts of New York

Professional affiliations:

- American Bar Association
- New York State Bar Association
- New York County Lawyers Association
- New York Women's Bar Association
- National Association of Women Lawyers

Mrs. Campbell can be reached by email at: MCampbell@kaplanfox.com

ELANA KATCHER has extensive complex antitrust litigation experience drawn from her work on both the plaintiff and defense sides. Ms. Katcher began her career in antitrust litigation as an associate at Sullivan & Cromwell LLP where she was a member of the trial team defending Microsoft Corporation against a series of private class actions brought in courts around the country, as well as representing other major defendants in bet-the-company litigation.

Since 2007, Ms. Katcher has been instrumental in some of Kaplan Fox's largest cases, including *In re Air Cargo Shipping Servs. Antitrust Litig.*, MDL No. 1775 (E.D.N.Y.),

and a successful bellwether trial in *Neurontin Marketing, Sales Practices & Products Liability Litig.*, MDL No. 1629 (D. Mass.). In addition, Ms. Katcher co-drafted a successful opposition to the first Rule 12(b)(6) motion to dismiss in the sprawling Generic Pharmaceutical antitrust actions, *In re Propranolol Antitrust Litig.*, 249 F. Supp. 3d 712 (S.D.N.Y. 2017) (Rakoff, J.), and continues to work on behalf of the Direct Purchaser Plaintiffs in the *Generic Pharmaceutical* antitrust actions now pending before District Judge Cynthia M. Rufe in the Eastern District of Pennsylvania, including as part of the briefing team that recently prevailed against the first tranche of motions to dismiss brought in that litigation. See *In re Generic Pharm. Pricing Antitrust Litig.*, No. 16-CB-27243, 2018 WL 5003450 (E.D. Pa. Oct. 16, 2018).

In addition, Ms. Katcher represents significant corporate clients, including clients listed on Nasdaq, in individual antitrust actions in Packaged Seafood in which she has recently co-argued a key motion to dismiss before District Judge Janis L. Sammartino, obtaining a significant victory where the court upheld jurisdiction over two foreign defendants. See *In re Packaged Seafood Prod. Antitrust Litig.*, No. 15-MD-2670 JLS (MDD), 2018 WL 4222506 (S.D. Cal. Sept. 5, 2018). She is currently part of the co-lead team for the direct purchaser class plaintiffs in *In re Caustic Soda Antitrust Litigation*, 19-cv-00385 (W.D.N.Y.), and is a member of the steering committee representing the indirect reseller plaintiff class in *In re Juul Labs, Inc. Antitrust Litigation*, 20-cv-02345 (N.D. Cal.).

Prior to Kaplan Fox, she was an associate at Sullivan & Cromwell LLP and King & Spalding LLP, where she participated in the defense of major companies, including at trial and in arbitration.

Education:

- B.A. Oberlin College
- J.D., New York University

Bar Affiliations and Court Admissions:

- Bar of the State of New York
- U.S. District Courts for the Southern and Eastern Districts of New York

Professional Affiliations:

- New York State Bar Association
- New York City Bar Association

Ms. Katcher can be reached by email at: ekatcher@kaplanfox.com

MATTHEW P. McCAHILL was associated with Kaplan Fox from 2003 to 2005, re-joined the firm in May 2013 and became a partner in 2016. He practices in the areas of antitrust and securities litigation, as well as commercial litigation. From 2006 to early 2013, Mr. McCahill was an associate at Berger & Montague, P.C. in Philadelphia. While focusing on insurance and antitrust class action cases, including *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation*, MDL No. 1720 (E.D.N.Y.) and *Ormond et al. v. Anthem, Inc. et al.*, Case No. 1:05-cv-01908-TWP-TAB (N.D. Ind.) (related to the demutualization of Anthem Insurance, which settled for \$90 million in 2012), he also represented corporations and bankruptcy trustees in commercial litigation involving claims for breach of contract, breach of fiduciary duty and fraudulent conveyance.

Mr. McCahill's practice includes representation of plaintiffs opting out of class actions. He represented large retailers who opted out of the *Payment Card* class to pursue their own antitrust actions against Visa and MasterCard challenging the networks' merchant rules and their interchange (or "swipe") fees. Among the merchants he and the firm represented in that case were E-Z Mart Stores, Inc., Sunoco, LP (formerly known as Susser Holdings Corp., operator of the Stripes® convenience store chain), Jacksons Food Stores, Sheetz, Inc., Kum & Go, L.C., Einstein Noah Restaurant Group, Furniture Row, Inc. and NPC International, Inc. (the world's largest franchisee of Pizza Hut restaurants).

Mr. McCahill is part of the Kaplan Fox team representing large grocery chains and food distributors (including Giant Eagle, Inc., Associated Food Stores, Inc., Affiliated Foods, Inc., Western Family Foods, Inc. and the McLane Company, Inc., among others) in individual actions in *In re Packaged Seafood Products Antitrust Litigation*, MDL No. 2670 (S.D. Cal.), alleging price-fixing and other antitrust violations against Tri-Union Seafoods, LLC (d/b/a Chicken of the Sea), Bumble Bee Foods, LLC, and others. Mr. McCahill currently represents some of the same clients in opt-out antitrust litigation against the nation's largest producers of broiler chickens, in *In re Broiler Chicken Antitrust Litigation*, pending in federal court in Chicago. He and other Kaplan Fox lawyers also

represented the Ohio Public Employees Retirement System in an individual securities fraud action against Brazilian energy conglomerate Petrobras in *In re Petrobras Securities Litigation*, Civ. Action No. 14-cv-9662 (JSR) (S.D.N.Y.).

Mr. McCahill's current and past involvement in class action litigation at Kaplan Fox includes: *In re Cast Iron Soil Pipe Antitrust Litigation*, MDL No. 2508 (E.D. Tenn.), where he represented a proposed class of direct purchasers of cast iron soil pipes and fittings in an antitrust case against the Cast Iron Soil Pipe Institute, Charlotte Pipe & Foundry Co. and McWane, Inc. and its subsidiaries; *In re SandRidge Energy, Inc. Shareholder Derivative Litigation*, No. CIV-13-102-W (W.D. Okla.) (partial settlement of \$38 million); *In re Neurontin Antitrust Litigation*, MDL No. 1479 (D.N.J.) (delayed-generic entry action brought by direct purchasers of Pfizer's drug Neurontin, which settled for \$190 million following nearly 12 years of litigation).

In 2014, 2015 and 2016, Mr. McCahill was named a "New York Metro Super Lawyer – Rising Star" in antitrust litigation, and was selected as a "Pennsylvania Super Lawyer – Rising Star" (also in antitrust litigation) in 2012 and 2013, and has each year since 2017 been named a "New York Metro Super Lawyer" in antitrust litigation. He is a member of the American, Pennsylvania State, New York State and New York City bar associations. Mr. McCahill's *pro bono* efforts focus primarily on representing Marine Corps veterans in benefits proceedings before the Veterans Administration.

Mr. McCahill is a 2000 graduate of Rutgers College where he received a B.A., *summa cum laude*, in history and was elected to Phi Beta Kappa. He graduated from Fordham Law School in 2003, where he was a member of the *Fordham Urban Law Journal*. He is fluent in French and proficient in Spanish.

Education:

- B.A., History, *summa cum laude*, Rutgers College (2000)
- J.D., Fordham Law School (2003)

Bar Affiliations and Court Admissions:

- Bars of the State of New York and the Commonwealth of Pennsylvania
- U.S. Court of Appeals for the Second Circuit
- U.S. District Courts for the Southern and Eastern Districts of New York and the Eastern District of Pennsylvania

Professional Affiliations:

- American Bar Association
- New York State Bar Association
- Pennsylvania Bar Association
- Association of the Bar of the City of New York

Mr. McCahill can be reached by email at: mmccahill@kaplanfox.com

ASSOCIATES

PAMELA MAYER is focused on the investigation, analysis and initiation of securities claims on behalf of the firm's institutional and individual clients utilizing her combined legal and finance background.

Prior to joining Kaplan Fox, Ms. Mayer was a securities investigation and litigation attorney for a multinational investment bank. Utilizing her combined legal and business background, including her M.B.A., Ms. Mayer focuses on the research and analysis of securities claims on behalf of our firm's individual and institutional clients and is dedicated full-time to the firm's Portfolio Monitoring and Case Evaluation Program. Ms. Mayer also has substantial litigation experience in the area of intellectual property.

Education:

- B.S., The University of Rochester
- J.D., The George Washington University
- M.B.A., Finance, The University of Michigan

Bar Affiliations and Court Admissions:

- Bar of the State of New York
- U.S. District Courts for the Southern and Eastern Districts of New York

Professional Affiliations:

- New York State Bar Association

Ms. Mayer can be reached by email at: pmayer@kaplanfox.com

AARON L. SCHWARTZ has been associated with Kaplan Fox since July 2017. He practices civil litigation with an emphasis on complex business disputes, securities, antitrust, and consumer protection.

Aaron has extensive experience advocating for consumer and shareholder rights, having served on court-appointed lead counsel teams in notable antitrust, consumer protection, and securities matters, including *In re Google Play Consumer Antitrust Litigation* (monopolization of the Google Play Store), *In re Apple Inc. Device Performance Litigation* (iPhone throttling), and *In re Vale S.A. Securities Litigation* (misstatements and omissions to investors related to dam safety).

Aaron also currently serves as counsel to certain public pension funds and institutional investor clients in matters concerning corporate mismanagement and breach of fiduciary duties, including *In re Allianz Global Investor U.S. LLC Litigation*.

Prior to joining the firm, Mr. Schwartz was a Deputy Attorney General in the Pennsylvania Office of Attorney General, Antitrust Section. As a Deputy Attorney General, Mr. Schwartz conducted investigations, brought suit to enjoin anticompetitive corporate mergers, and prosecuted pharmaceutical product-hopping schemes, market allocation schemes, and unfair trade practices. Notable matters included *FTC v. Penn State Hershey Medical Center* and *U.S. v. Aetna Inc.*

Education:

- B.A., University of Wisconsin—Madison (2009)
- J.D., The Pennsylvania State University—The Dickinson School of Law (2014)

Bar Affiliations and Court Admissions:

- Bar of the Commonwealth of Pennsylvania
- Bar of the State of New York
- U.S. Court of Appeals for the Third Circuit
- U.S. District Courts for the Eastern, Middle, and Western Districts of Pennsylvania; and U.S. District Courts for the Eastern and Southern Districts of New York

Professional Affiliations:

- Pennsylvania Bar Association
- American Bar Association

Publications:

- *Effective Merger Enforcement: Is it Time for a Retrospective Study on Cross-Market Provider Transactions*, A.B.A., Section of Antitrust Law, 8 State Enforcement Committee Newsletter 4, 10 (Spring 2017).

Mr. Schwartz can be reached by email at: aschwartz@kaplanfox.com

JASON A. URIS has been associated with Kaplan Fox since May 2013. He practices in the areas of securities, antitrust, and consumer litigation.

Mr. Uris is currently involved in several litigations, including *Julia Junge and Richard Junge, v. Geron Corp. and John Scarlett* (N.D. Cal.); *Gluck v. Hecla Mining Company* (S.D.N.Y.); and *In re Juul Labs, Inc. Antitrust Litigation* (N.D. Cal.).

Mr. Uris was also a member of the teams that litigated the following cases: *In re: Keurig Green Mountain Single-Serve Coffee Antitrust Litigation* (S.D.N.Y.) (\$31 million settlement); *Milbeck v. TrueCar, Inc., et al.* (\$28.25 million settlement); *Kasper v. AAC Holdings, Inc., et al.* (M.D. Tenn.) (\$25 million settlement); *In re SandRidge Energy, Inc. Shareholder Derivative Litigation*, No. CIV-13-102-W (W.D. Okla.) (partial settlement of \$38 million); *In re Cast Iron Soil Pipe Antitrust Litigation*, MDL No. 2508 (E.D. Tenn.) (\$30 million settlement); *In re: CSO Hedge Fund Litigation* (\$13.5 million settlement).

Education:

- B.A., *cum laude*, Boston University (2011)
- J.D., Fordham University School of Law (2014)

Bar Affiliations and Court Admissions:

- Bar of the State of New York (2015)
- U.S. District Courts for the Southern and Eastern Districts of New York

Professional Affiliations:

- New York State Bar Association

Mr. Uris can be reached by email at: juris@kaplanfox.com

BLAIR REED joined Kaplan Fox as an associate in January 2022. Blair's practice focuses on consumer class actions, employment cases, data privacy claims, and business litigation. She has experience handling coordinated proceedings and complex discovery issues in both federal and state court. Blair has represented consumers in

cases involving unfair business practices and consumer fraud, breaches of warranty, invasions of privacy, data breaches, and wiretapping. Prior to joining Kaplan Fox, she was involved in numerous successful recoveries for consumers, including *Moore v. Kimberly-Clark Worldwide, Inc.*, which resulted in a nationwide settlement valued at over \$11 million for purchasers of allegedly defective tampons. Additionally, in 2019, Blair participated on the trial team in *Perez v. Rash Curtis & Associates*, where the jury returned a verdict for \$267 million in statutory damages under the Telephone Consumer Protection Act. Blair received her Juris Doctor from University of San Francisco School of Law in 2017, where she was a Dean's Scholar and member of the University of San Francisco Law Review. Blair also attended University of San Francisco for her undergraduate degree where she played on the NCAA Division I Women's Tennis Team.

Education:

- Bar of the State of California (2017)
- J.D., University of San Francisco School of Law (2017)
 - Dean's Scholar
 - USF Law Review
- B.A. in Advertising and Communications, University of San Francisco (2013)

Bar Affiliations and Court Admissions:

- Bar of the State of California (2017)
- U.S. District Courts for the Northern, Central, Southern and Eastern Districts of California
- Ninth Circuit Court of Appeals

Ms. Reed can be reached by email at: breed@kaplanfox.com

OF COUNSEL

GARY L. SPECKS practices primarily in the area of complex antitrust litigation. He has represented plaintiffs and class representatives at all levels of litigation, including appeals to the U.S. Courts of Appeals and the U.S. Supreme Court. In addition, Mr. Specks has represented clients in complex federal securities litigation, fraud litigation, civil RICO litigation, and a variety of commercial litigation matters. Mr. Specks is resident in the firm's Chicago office.

During 1983, Mr. Specks served as special assistant attorney general on antitrust matters to Hon. Neil F. Hartigan, then Attorney General of the State of Illinois.

Education:

- B.A., Northwestern University (1972)
- J.D., DePaul University College of Law (1975)

Bar Affiliations and Court Admissions:

- Bar of the State of Illinois (1975)
- U.S. Courts of Appeals for the Third, Fifth, Seventh, Ninth and Tenth Circuits
- U.S. District Court for the Northern District of Illinois, including Trial Bar

Professional Affiliations:

- American Bar Association
- Illinois Bar Association
- Chicago Bar Association

Mr. Specks can be reached by email at: GSpecks@kaplanfox.com

W. MARK MCNAIR has been associated with Kaplan Fox since 2003. He practices in the area of securities litigation. Mr. McNair is actively involved in maintaining and establishing the Firm's relationship with institutional investors and is active in the Firm's Portfolio Monitoring and Case Evaluation Program for the Firm's numerous institutional investors. Mr. McNair is a frequent attendee and speaker at various events for institutional investors.

Mr. McNair is a frequent speaker at various institutional events, including the National Conference of Public Employee Retirement Systems and the Government Finance Office Association.

Prior to entering private practice, Mr. McNair was an Assistant General Counsel at the Municipal Securities Rulemaking Board where he dealt in a wide range of issues related to the trading and regulation of municipal securities. Previously, he was an attorney in the Division of Market Regulation at the Securities and Exchange Commission. At the Commission his work focused on the regulation of the options markets and derivative products.

Education:

- B.A. with honors, University of Texas at Austin (1972)
- J.D. University of Texas at Austin (1975)
- L.L.M. (Securities) Georgetown University (1989)

Bar Affiliations and Court Admissions:

- Bar of the State of Texas (1975)
- Bar of the State of Maryland (1995)
- Bar of the State of Pennsylvania (1995)
- Bar of the District of Columbia (2008)
- U.S. Courts of Appeals for the Third, Fifth, Seventh, Ninth and Tenth Circuits
- U.S. District Court for the Northern District of Illinois, including Trial Bar

Mr. McNair can be reached at MMcnair@kaplanfox.com

WILLIAM J. PINILIS practices in the areas of commercial, consumer and securities class action litigation.

He has been associated with Kaplan Fox since 1999 and is resident in the firm's New Jersey office.

In addition to his work at the firm, Mr. Pinilis has served as an adjunct professor at Seton Hall School of Law since 1995 and is a lecturer for the New Jersey Institute for Continuing Legal Education. He has lectured on consumer fraud litigation and regularly teaches the mandatory continuing legal education course Civil Trial Preparation.

In 2021, Mr. Pinilis was appointed as Municipal Court Judge for Morristown, New Jersey.

Mr. Pinilis is the author of "Work-Product Privilege Doctrine Clarified," *New Jersey Lawyer*, Aug. 2, 1999; "Consumer Fraud Act Permits Private Enforcement," *New Jersey Law Journal*, Aug. 23, 1993; "Lawyer-Politicians Should Be Sanctioned for Jeering Judges," *New Jersey Law Journal*, July 1, 1996; "No Complaint, No Memo – No Whistle-Blower Suit," *New Jersey Law Journal*, Sept. 16, 1996; and "The *Lampf* Decision: An appropriate Period of Limitations?" *New Jersey Trial Lawyer*, May 1992.

Education:

- B.A., Hobart College (1989)
- J.D., Benjamin Cardozo School of Law (1992)

Bar Affiliations and Court Admissions:

- Bar of the State of New Jersey (1992)
- Bar of the State of New York (1993)
- U.S. District Courts for the District of New Jersey, and the Southern and Eastern Districts of New York

Professional Affiliations:

- Morris County Bar Association
- New Jersey Bar Association
- Graduate, Brennan Inn of Court

Mr. Pinilis can be reached by email at: WPinilis@kaplanfox.com

JUSTIN B. FARAR joined Kaplan Fox in March 2008. practices in the area of securities litigation and antitrust litigation with a special emphasis on institutional investor involvement. He is located in the Los Angeles office. Prior to working at Kaplan Fox, Mr. Farar was a litigation associate at O'Melveny & Myers, LLP and clerked for the Honorable Kim McLane Wardlaw on the Ninth Circuit Court of Appeals. Mr. Farar also currently serves as a Commissioner to the Los Angeles Convention and Exhibition Authority.

Mr. Farar is also an adjunct professor at the University of Southern California Gould Law School teaching a course on class actions.

Education:

- J.D., order of the coif, University of Southern California Law School (2000)
- B.A., with honors, University of California, San Diego

Bar Affiliations and Court Admissions:

- Bar of the State of California (2000)
- U.S. Court of Appeals for the Ninth Circuit (2000)
- U.S. District Court for the Central of California (2000)

Awards:

- The American Society of Composers, Authors and Publishers' Nathan Burkan Award Winner, 2000 for article titled "Is the Fair Use Defense Outdated?"

Mr. Farar can be reached by email at: JFarar@kaplanfox.com

MATTHEW GEORGE is a complex litigation attorney at Kaplan Fox & Kilsheimer LLP with a practice focused on data privacy, consumer protection, and employment/labor cases. He has significant experience and expertise handling multidistrict litigation and other coordinated proceedings in state and federal courts involving multiple parties and complex discovery issues.

Matthew has a strong track record opposing Silicon Valley's largest companies in lawsuits involving emerging technology and novel legal issues. He was on Kaplan Fox's lead counsel team in *In re: Apple Device Performance Litigation*, that recovered a settlement of up to \$500 million on claims that Apple violated the Computer Fraud and Abuse Act. In that case he managed third-party discovery of two dozen companies in the U.S. and Asia and first chaired a series of depositions. He is currently court appointed co-lead counsel in *In re: Robinhood Outage Litigation*, representing investors alleging losses attributable to a series of unprecedented outages of Robinhood's trading app in March of 2020. He also represents a certified class of patients alleging that failed blood testing startup Theranos and Walgreens unlawfully experimented on them in *In re: Arizona Theranos Incorporated Litigation*. Matthew has also obtained innovative rulings at the trial and appellate levels on claims against Facebook, Adobe, and Yahoo over mishandling of consumers' personal information and data.

Matthew has also advanced initiatives for underrepresented communities both in and out of court. He was recently co-lead counsel in cases against health care conglomerates CVS/Caremark and Aetna that collectively recovered over \$20 million on behalf of Americans living with HIV when their healthcare information was wrongfully exposed. Matthew has been a longstanding member of BALIF, the Bay Area's (and nation's oldest) LGBTQI+ bar association, where he has volunteered in BALIF's formal mentorship program helping new attorneys enter the profession. He has also been a member of the Consumer Attorneys of California's Diversity Committee, where he co-sponsored an event inclusive of the Bay Area's minority bar associations.

Matthew has been selected by his peers as a "Rising Star" by Northern California Super Lawyers each year from 2011-2014 and was chosen as a "Super Lawyer" in 2016, the first year he was eligible for the distinction and every year since. He has been a regular

speaker at industry conventions and seminars on topics ranging from arbitration, expert depositions, and class action settlement strategies.

Education:

- B.A., Political Science and Criminal Justice, *magna cum laude*, Chapman University (2002)
- J.D., The University of Michigan Law School (2005)

Publications and Speaking Engagements:

- Expert Depositions: Promoting Expertise and Limiting Exposure –Bridgeport Continuing Legal Education “Mastering the Deposition” Seminar (January 2017)
- “How Viable Is the Prospect of Private Enforcement of Privacy Rights In The Age of Big Data? An Overview of Trends and developments In Privacy Class Actions” – Competition, The Journal of the Antitrust and Unfair Competition Law Section of the State Bar of California, Volume 24, No. 1 (Spring 2015)
- Panel Discussion of Sony Pictures Data Breach Cases – CNBC’s “Squawk On the Street” (December 2014)
- New and Developing Practice Areas – CAOC 53rd Annual Convention (November 2014)
- Privacy Law Symposium – University of California, Hastings College of the La (April 2014)
- Update On the Target Data Breach Litigation – HarrisMartin Target Data Breach MDL Conference (March 2014)
- Consumer Privacy Law – 8th Annual CAOC Class Action Seminar (February 2014)
- Privacy Litigation and Management: Strategies For Protection and Litigation – Bridgeport Continuing Legal Education Seminar (December 2012)
- Class Action Settlement Strategies and Mechanics – 12th Annual Bridgeport Class Action Litigation & Management Conference (April 2012)
- Developments In the Arbitration of Wage and Hour Disputes – Bridgeport 2010 Wage and Hour Conference (October 2010)

Bar Affiliations and Court Admissions:

- Bar of the State of California
- U.S. District Courts for the Northern, Central, Southern and Eastern Districts of California, and the District of Colorado
- Ninth Circuit Court of Appeals

Professional Affiliations:

- Bay Area Lawyers for Individual Freedom
- Consumer Attorneys of California (Diversity Committee)
- American Bar Association (Labor and Employment Section)

Mr. George can be reached by email at: mgeorge@kaplanfox.com

KATHLEEN HERKENHOFF is a complex litigation attorney, with a practice principally focused on securities and consumer class actions, as well as shareholder derivative actions. Kathleen's experience includes employment litigation and data privacy matters. Over the course of her career, she has played a key role in obtaining more than \$1 billion in settlement recoveries for victims of corporate fraud and misconduct. She joined Kaplan Fox & Kilsheimer LLP in 2021.

Kathleen's law career started at the United States Securities and Exchange Commission, where she investigated and litigated securities fraud and insider trading actions. Her SEC victories include securing a \$22 million judgment in a complex offering fraud.

Following her SEC career, she joined a national class action litigation firm. During her 12 years at the firm (at which she was a partner from 2002 to 2009), she practiced in all areas of securities class and derivative litigation on behalf of both institutional and individual shareholders. Kathleen's work contributed to securing monetary recoveries exceeding \$1 billion on litigation involving HealthSouth Corp. (\$671 million in class action), AOL Time Warner, Inc. (\$618 million in opt out litigation), Mattel, Inc. (\$122 million in class action), Honeywell International, Inc. (\$100 million in class action), Vesta Insurance Group, Inc. (\$78 million combined settlement, with \$17 million from auditor in class action), St. John Knits (\$60 million settlement value in challenge to insider deal seeking to take company private), SmarTalk Teleservices, Inc. (\$27.1 million, plus a separate \$15 million auditor settlement in class action) and scores of other corporate

entities, including large value recoveries exceeding \$30 million in shareholder derivative actions. In addition to litigating these matters, Kathleen drafted and negotiated sweeping corporate governance improvements in connection with settlements for several of these actions.

In addition to the substantial class action practice Kathleen enjoyed at the national law firm, she also dedicated significant work toward achieving excellent results in numerous shareholder derivative cases:

In re KB Home Shareholder Derivative Litig., No. 06-CV-05148 (C.D. Cal.) (served on co-lead counsel team recovering more than \$31 million in financial benefits, including \$21.5 million in cash, plus substantial corporate governance enhancements relating to KB Home's stock option granting practices, director elections, and executive compensation practices).

In re Coherent, Inc. Shareholder Derivative Litig., No. 507CV00955 (N.D. Cal.) (settlement including recovery to company of over \$6 million in cash and cancelled stock options, and substantial governance reforms).

In re Corinthian Colleges, Inc. Shareholder Derivative Litig., No. SACV-06-0777-AHS (ANx) (C.D. Cal.) (settlement including repricing of \$2 million worth of misdated options, and enactment of corporate governance reforms).

In re First American Corp. Shareholder Derivative Litig., No. SACV-06-1230-JVS (RNBx) (C.D. Cal.) (settlement including repayment by certain officers and directors of more than \$700,000 to company, and corporate governance enhancements).

In re Eclipsys Corp. Derivative Litigation, No. 07-80611-CIV-MIDDLEBROOKS (S.D. Fla.) (settlement of shareholder derivative action involving governance improvements).

In re Rambus, Inc. Derivative Litig. No. 506CV03513 (N.D. Cal.) (settlement of shareholder derivative action for substantial governance reforms).

In 2010, Kathleen spearheaded the opening of a California office of a boutique firm with merger & acquisition and shareholder derivative practice groups. In her role, Kathleen continued to obtain significant victories, including obtaining cutting edge corporate governance reforms to be enacted by various corporate entities. A sampling of this work includes Kathleen's role as co-lead counsel in successful shareholder

derivative litigation on behalf of Nominal Defendant Diamond Foods, Inc., resulting in more than \$10 million in financial consideration for the company, in addition to corporate governance enhancements. *In re Diamond Foods, Inc. S'holder Derivative Litig.*, Lead Case No. CGC-11-515895 (Cal. Super. Ct. San Francisco Cnty).

Kathleen also helped to secure the boutique firm's leadership position in a federal shareholder derivative litigation on behalf of Nominal Defendant Intuitive Surgical, Inc. ("Intuitive"). *Berg v. Guthart, et al.*, Case Nos. 5:14-cv-00515-EJD (N.D. Cal.). The Intuitive shareholder derivative action was thereafter litigated in a combined effort with the state court lead counsel before the Honorable Gerald J. Buchwald of the Superior Court for the State of California, San Mateo County, reaching a pre-trial settlement including \$15 million in value recovered for the Company. *Public School Teachers' Pension and Retirement Fund of Chicago v. Guthart, et al.*, Case No. CIV-526930 (Cal. Super. Ct San Mateo Cnty.).

Additional representative shareholder derivative actions include:

In re Galena Biopharma, Inc. Derivative Litigation, Case No. 3:14-cv-00382-SI (Lead) (D. Or.) (settlement including \$15 million payment, cancellation of \$1.2 million worth of stock options allegedly granted improperly to certain of Galena's directors, and the adoption of corporate governance reforms).

Barovic v. Ballmer, et al., Lead Case No: 2:14-cv-00540-JCC (W.D. Wa.) (derivative action on behalf of Microsoft, with settlement involving significant corporate governance measures concerning the Company's compliance with antitrust laws and regulations.).

In re Art Tech. Group, Inc. Shareholders Litig., C.A. No. 5955-CC (Del. Ch.) (member of deposition team involved in obtaining factual record to support preliminary injunction against proposed \$1 billion merger transaction for which partial fee was later awarded).

In re Rentech, Inc. Derivative Litig., Lead Case No. BC 430553 (Cal. Super. Ct. Los Angeles Cnty.) (settlement approved with extensive governance reforms, including limits on employee directors serving on more than two public company boards).

In re Cadence Design Systems, Inc. Securities and Derivative Litig., No. C-08-4966-SC (N.D. Cal.) (settlement resulting in corporate governance enhancements).

Denham v. Yoseloff, et al., A-09-603275-C (Eighth Judicial District for Clark County, Nevada) (action on behalf of Shuffle Master, Inc., with governance improvements in settlement including separation of Chairman and CEO positions).

As indicated, each of the representative actions included governance improvements. In particular, the governance enhancements that Kathleen has pushed for in various actions have received praise from courts, such as the Honorable Marie S. Weiner of the San Mateo County Superior Court, who commented that the governance improvements in one settlement were “the most detailed and extensive corporate governance changes I’ve seen in a derivative settlement.” *In re SciClone Pharms., Inc. S’holder Derivative Litig.*, No. CIV 499030 (Cal. Super. Ct., San Mateo Cnty.) (settlement included the adoption of cutting-edge corporate governance reforms including establishment of a Foreign Corrupt Practices Act (“FCPA”) compliance coordinator; the adoption of an FCPA compliance program; and the adoption of additional internal controls and compliance functions).

Kathleen’s work has also included protecting shareholders in appellate court matters. See e.g. *Dennis v. Hart, et al.*, 724 F.3d 1249 (9th Cir. 2013) (rejecting defendants’ arguments in shareholder derivative action that, among other things, the doctrine of complete preemption conferred federal jurisdiction in the action in view of the inclusion of allegations that defendants’ conduct violated the Dodd-Frank Wall Street Reform and Consumer Protection Act). At the time of its issuance, *Dennis* was considered a significant victory for shareholders seeking more than one forum in which to pursue claims for conduct stemming from Dodd-Frank.

Other key victories include *Rosenbloom v. Pyott*, 765 F.3d 1137 (9th Cir. 2014). Kathleen was involved in the litigation of this shareholder derivative litigation against various Allergan, Inc. insiders for the alleged illegal marketing of “Botox”. In the district court, plaintiffs were initially dismissed following defendants’ motions to dismiss, but on September 2, 2014, the Ninth Circuit issued a significant reversal in plaintiffs’ favor. A three-judge Ninth Circuit panel unanimously concluded that the district court abused its discretion in dismissing the action for purported failure to show that a pre-lawsuit “demand” should be excused. Kathleen worked extensively as part of the team of co-lead counsel in the action on the pleadings and briefs before the district court and

development of the factual record. In assessing the record from the district court, Judge Stephen Reinhardt wrote that plaintiffs presented “a battery of particularized factual allegations that strongly support an inference at this stage of the litigation that the Board knew of and did nothing about illegal activity.”

Immediately prior to joining Kaplan Fox, Kathleen served as a partner in a law firm specializing in employment litigation, as well as in class and shareholder derivative matters. This experience expanded her practice to include pursuing relief for employees victimized by illegal conduct in the workplace, whether for wage and hour claims, discrimination, harassment or a host of other improper practices.

Notably, since 2018, Kathleen has served on the Plaintiffs’ Executive Committee in *In re: Apple Inc. Device Performance Litigation (N.D. Cal.)*, which is profiled above in other sections of the firm’s resume and on the firm’s webpage.

Education:

- Bar of the State of California (1993)
- J.D., Pepperdine University School of Law (1993)
 - Dean’s Honor List
 - American Jurisprudence Award, Constitutional Law and Agency-Partnership
- B.A. in English Literature, University of California at Berkeley (1989)

Bar Affiliations and Court Admissions:

- Bar of the State of California (1993)
- U.S. District Courts for the Northern, Central, Southern and Eastern Districts of California
- Ninth Circuit Court of Appeals

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PETER S. LINDEN joined Kaplan Fox in August 2021. Mr. Linden’s practice concentrates on securities, commercial, and healthcare fraud litigation. His clients include public pension funds and other institutional investors, individuals, businesses, and governmental entities. Prior to joining Kaplan Fox, Mr. Linden was a partner at another national securities law firm, where he spent over 30 years, including almost ten years as

one of that firm's managing partners. During his career, Mr. Linden has obtained numerous outstanding recoveries, totaling in excess of a billion dollars.

In the area of securities litigation, Mr. Linden has played a leading role in numerous successful class actions, including the following examples. He represented plaintiffs, as lead counsel, in *In re Citigroup Inc Securities Litig.*, 07 Civ. 9901 (S.D.N.Y.), a class action arising out of Citigroup's alleged misrepresentations regarding their exposure to losses associated with numerous collateralized debt obligations. This case settled for \$590 million -- at the time, the largest CDO-related settlement ever, as well as the largest settlement of a fraud-only action. In *In re BISYS Securities Litig.*, 04 Civ. 3840 (S.D.N.Y.), Mr. Linden's representation of a municipal pension fund as co-lead counsel in a securities class action alleging accounting improprieties resulted in a \$65 million recovery. In *In re Laidlaw Bondholder Litig.*, No. 3-00-2518-17 (D.S.C.), Mr. Linden represented, as lead counsel, two major insurance companies and a bondholder class in a securities class action resulting in a \$42.875 million recovery. Finally, he represented several large municipal bond issuers in confidential FINRA arbitrations against large, institutional banks. The claims alleged various misrepresentations and breaches of statutory and fiduciary duties by the underwriters of auction rate securities.

Mr. Linden has handled many notable actions in the consumer protection area as well. He served as Chairman of the Plaintiffs' Steering Committee in *In re MCI Non-Subscriber Litig.*, MDL No. 1275 (S.D. Ill.), a consumer class action resulting in an approximately \$90 million recovery for the class. In *Carnegie v. Household International, Inc., et al.*, No. 98 C 2178 (N.D. Ill.) he and his firm served as co-lead counsel in a class action against H&R Block and Household Bank (as successor to Beneficial National Bank) for the benefit of taxpayers who had obtained Refund Anticipation Loans ("RALs"). The case alleged that H&R Block and Beneficial National Bank made misrepresentations and charged people undisclosed fees on RALs. After years of litigation and appeals, the case resulted in a settlement of \$39 million in cash. In *In re IDT Corp. Calling Card Terms Litig.*, No. 207 CV 01076 (D.N.J.), Mr. Linden served as lead counsel in a class action litigation against certain related prepaid calling card providers, alleging that they failed to inform consumers sufficiently about the applicable rates and charges for such calling cards, and thereby violated various state consumer protection acts and other laws. The

case resulted in a settlement of up to \$20 million in Refund PINs (representing free domestic telephone minutes), \$2 million in charitable donations, and additional relief consisting of enhanced disclosures of calling card charges.

In the healthcare arena, Mr. Linden represented the State of Michigan in *Bill Schuette, Attorney General of The State Of Michigan, ex rel The State of Michigan v. McKesson Corporation, et al.*, No. 11-629-CZ (Ingham Cty. Cir. Ct.), a lawsuit arising out of a scheme to increase the Average Wholesale Prices of hundreds of brand name drugs causing the submission of false claims to the Michigan Medicaid program, and the overpayment of Medicaid pharmacy claims. The court determined that the State had successfully pled a cause for money damages under its Medicaid False Claims Act.

Mr. Linden's advocacy also has resulted in many notable decisions, including: *Epstein v. MCA, Inc.*, finding a private right of action, and granting partial summary judgment, under Section 14(d)(7) of the Securities Exchange Act; and *In re eBay, Inc. Shareholders Litig.*, finding that investment banking advisors could be held liable for aiding and abetting insiders' acceptance of IPO allocations through "spinning."

Mr. Linden has been selected by Super Lawyers for securities litigation. His work has also resulted in recognition in Law360 and the National Law Journal's "Plaintiffs' Hot List."

Prior to going into private practice, Mr. Linden worked as an Assistant District Attorney in the Kings County District Attorney's Office for over six years and gained significant trial and appellate experience. He ultimately served as a supervising attorney of that Office's Economic Crimes Bureau.

Education:

- B.A., State University of New York at Stony Brook (1980), Pi Sigma Alpha Honor Society
- J.D., Boston University School of Law (1984)

Court Admissions and Bar Affiliations:

- New York State Bar
- United States District Court for the Southern District of New York
- United States District Court for the Eastern District of New York
- United States District Court for the Eastern District of Michigan

- United States District Court for the Eastern District of Wisconsin
- United States District Court for the Southern District of California
- United States Courts of Appeals for the Second, Third, Sixth, Seventh, Eighth, Ninth, Tenth and the District of Columbia Circuits

Professional affiliations:

- New York State Bar Association
- Association of the Bar of the City of New York
- National Association of Public Pension Plan Attorneys
- Dean's Advisory Board, Boston University School of Law
- Advisory Board, Boston University School of Law Small & Mid-Size Firm Apprenticeship Program (SMAP)

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